



Commonwealth of Massachusetts
House of Representatives.
(Boston)

1876-2

Speaker's Room
No. 8



Massachusetts - Laws

1862

ACTS
AND
RESOLVES

PASSED BY THE

General Court of Massachusetts,

IN THE YEAR

1862:

TOGETHER WITH

THE CONSTITUTION, THE MESSAGES OF THE GOV-
ERNOR, LIST OF THE CIVIL GOVERNMENT,
CHANGES OF NAMES OF PERSONS,
ETC., ETC., ETC.

PUBLISHED BY THE
SECRETARY OF THE COMMONWEALTH.



BOSTON:
WILLIAM WHITE, PRINTER TO THE STATE.
1862.

A CONSTITUTION
OR
FORM OF GOVERNMENT
FOR THE
Commonwealth of Massachusetts.

P R E A M B L E .

The end of the institution, maintenance and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it, with the power of enjoying, in safety and tranquillity, their natural rights, and the blessings of life: and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity and happiness.

Objects of government.

The body politic is formed by a voluntary association of individuals: it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation and a faithful execution of them; that every man may, at all times, find his security in them.

Body politic, how formed.
Its nature.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of his providence, an opportunity, deliberately and peaceably, without fraud, violence or surprise, of entering into an original, explicit and solemn compact with each other; and of forming

a new constitution of civil government for ourselves and posterity; and devoutly imploring his direction in so interesting a design, do agree upon, ordain and establish the following *Declaration of Rights and Frame of Government*, as the CONSTITUTION of the COMMONWEALTH OF MASSACHUSETTS.

PART THE FIRST.

A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.

Equality and natural rights of all men.

ART. I. All men are born free and equal, and have certain natural, essential and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing and protecting property; in fine, that of seeking and obtaining their safety and happiness.

Right and duty of public religious worship.

II. It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great Creator and Preserver of the universe.

Protection therein.

And no subject shall be hurt, molested or restrained, in his person, liberty or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience; or for his religious profession or sentiments; provided he doth not disturb the public peace, or obstruct others in their religious worship.

Amendment, Art. XI. substituted for this.

[III. As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion and morality; and as these cannot be generally diffused through a community, but by the institution of the public worship of God, and of public instructions in piety, religion and morality: Therefore, to promote their happiness, and to secure the good order and preservation of their government, the people of this Commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of God, and for the support and maintenance of public Protestant teachers of piety, religion and morality, in all cases where such provision shall not be made voluntarily.

Legislature empowered to compel provision for public worship;

and to enjoin attendance thereon.

And the people of this Commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

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Provided, notwithstanding, that the several towns, parishes, precincts and other bodies politic, or religious societies, shall, at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

Exclusive right of electing religious teachers secured.

And all moneys, paid by the subject to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid toward the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

Option as to whom parochial taxes may be paid, unless, &c.

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the Commonwealth, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another shall ever be established by law.]

All denominations equally protected. Subordination of one sect to another prohibited.

IV. The people of this Commonwealth have the sole and exclusive right of governing themselves as a free, sovereign and independent State; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction and right, which is not, or may not hereafter, be by them expressly delegated to the United States of America, in Congress assembled.

Right of self-government secured.

V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive or judicial, are their substitutes and agents, and are at all times accountable to them.

Accountability of all officers, &c.

VI. No man, nor corporation or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible to children or descendants, or relations by blood, the idea of a man born a magistrate, lawgiver or judge, is absurd and unnatural.

Services rendered to the public being the only title to peculiar privileges, hereditary offices are absurd and unnatural.

VII. Government is instituted for the common good; for the protection, safety, prosperity and happiness of the people; and not for the profit, honor or private interest of any one man, family or class of men: Therefore the people alone have an incontestable, unalienable and infeasible right to institute government; and to reform, alter or totally change the same, when their protection, safety, prosperity and happiness require it.

Objects of government; right of people to institute and change it.

VIII. In order to prevent those who are vested with authority, from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

Right of people to secure rotation in office.

All, having the qualifications prescribed, equally eligible to office.

IX. All elections ought to be free; and all the inhabitants of this Commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

Right of protection and duty of contribution correlative.

X. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection; to give his personal service, or an equivalent, when necessary: but no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this Commonwealth are not contrrollable by any other laws than those to which their constitutional representative body have given their consent.

Taxation founded on consent.

And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

Private property not to be taken for public uses without, &c.

Remedies by recourse to the law, to be free, complete and prompt

XI. Every subject of the Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property or character. He ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay, conformably to the laws.

Prosecutions regulated.

XII. No subject shall be held to answer for any crimes or offence, until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse, or furnish evidence against himself: and every subject shall have a right to produce all proofs that may be favorable to him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his counsel, at his election. And no subject shall be arrested, imprisoned, despoiled or deprived of his property, immunities or privileges, put out of the protection of the law, exiled or deprived of his life, liberty or estate, but by the judgment of his peers, or the law of the land.

Right to trial by jury, in criminal cases, except, &c.

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

Crimes to be proved in the vicinity.

XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty and property of the citizen.

XIV. Every subject has a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest or seizure: and no warrant ought to be issued but in cases, and with the formalities, prescribed by the laws.

Right of search and seizure regulated.

XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practiced, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it.

Right to trial by jury sacred, except, &c.

XVI. The liberty of the press is essential to the security of freedom in a state: it ought not, therefore, to be restrained in this Commonwealth.

Liberty of the press.

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

Right to keep and bear arms. Standing armies dangerous. Military power subordinate to civil.

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives: and they have a right to require of their lawgivers and magistrates, an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the Commonwealth.

Moral qualifications for office.

Moral obligations of lawgivers and magistrates.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

Right of people to instruct representatives and petition legislature.

XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legisla-

Power to suspend the laws or their execution.

ture, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

Freedom of debate, &c., and reason thereof.

XXI. The freedom of deliberation, speech and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

Frequent sessions, and objects thereof.

XXII. The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening and confirming the laws, and for making new laws, as the common good may require.

Taxation founded on consent.

XXIII. No subsidy, charge, tax, impost or duties, ought to be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature.

Ex post facto laws prohibited.

XXIV. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive and inconsistent with the fundamental principles of a free government.

Legislature not to convict of treason, &c.

XXV. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

Excessive bail or fines, and cruel punishments prohibited.

XXVI. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

No soldier to be quartered in any house, unless, &c.

XXVII. In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

Citizens exempt from law-martial, unless, &c.

XXVIII. No person can in any case be subjected to law-martial, or to any penalties or pains, by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

Judges of supreme judicial court.

XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well, and that they should have honorable salaries ascertained and established by standing laws.

Tenure of their office.

Salaries.

Separation of executive, judicial, and legislative departments

XXX. In the government of this Commonwealth, the legislative department shall never exercise the executive

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and judicial powers, or either of them : the executive shall never exercise the legislative and judicial powers, or either of them : the judicial shall never exercise the legislative and executive powers, or either of them : to the end it may be a government of laws, and not of men.

PART THE SECOND.

The Frame of Government.

The people, inhabiting the territory formerly called the Province of Massachusetts Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign and independent body politic or state, by the name of THE COMMONWEALTH OF MASSACHUSETTS.

CHAPTER I.

THE LEGISLATIVE POWER.

SECTION I.

The General Court.

ART. I. The department of legislation shall be formed by two branches, a Senate and House of Representatives ; each of which shall have a negative on the other.

Legislative department.

The legislative body shall assemble every year, on the last Wednesday in May, and at such other times as they shall judge necessary ; and shall dissolve and be dissolved on the day next preceding the said last Wednesday in May ; and shall be styled, THE GENERAL COURT OF MASSACHUSETTS.

See amendments, Art. X.

II. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revisal ; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whichever the same shall have originated, who shall enter the objections sent down by the governor, at large, on their

Governor's veto.

Bill may be passed by two-thirds of each house, notwithstanding.

records, and proceed to reconsider the said bill or resolve : but if, after such reconsideration, two-thirds of the said senate or house of representatives shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of a law : but in all such cases, the votes of both houses shall be determined by yeas and nays ; and the names of the persons voting for or against the said bill or resolve, shall be entered upon the public records of the Commonwealth.

See amendments, Art. I.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of a law.

General court may constitute judicatories, courts of record, &c.

III. The general court shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be held in the name of the Commonwealth, for the hearing, trying and determining of all manner of crimes, offences, pleas, processes, complaints, actions, matters, causes and things, whatsoever, arising or happening within the Commonwealth, or between or concerning persons inhabiting or residing, or brought within the same ; whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal or mixed ; and for the awarding and making out of execution thereupon : to which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy, or depending before them.

General court may enact laws, &c.,

IV. And further, full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain and establish all manner of wholesome and reasonable orders, laws, statutes and ordinances, directions and instructions, either with penalties or without, so as the same be not repugnant or contrary to this constitution, as they shall judge to be for the good and welfare of this Commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof ; and to name and settle annually, or provide by fixed laws, for the naming and settling, all civil officers within the said Commonwealth, the election and constitution of whom are not hereafter in this form of government otherwise provided

not repugnant to the constitution ;

may provide for the election or appointment of officers ;

for ; and to set forth the several duties, powers and limits, of the several civil and military officers of this Commonwealth, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to this constitution ; and to impose and levy proportional and reasonable assessments, rates and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said Commonwealth ; and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise and commodities whatsoever, brought into, produced, manufactured, or being within the same ; to be issued and disposed of by warrant, under the hand of the governor of this Commonwealth for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of the said Commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

prescribe their duties ;

impose taxes ;

duties and excises ;

to be disposed of for defence, protection, &c.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practiced, in order that such assessments may be made with equality, there shall be a valuation of estates within the Commonwealth, taken anew once in every ten years at least, and as much oftener as the general court shall order.

Valuation of estates once in ten years, at least, while, &c.

CHAPTER I.

SECTION II.

Senate.

ART. I. There shall be annually elected, by the freeholders and other inhabitants of this Commonwealth, qualified as in this constitution is provided, forty persons to be councillors and senators, for the year ensuing their election ; to be chosen by the inhabitants of the districts, into which the Commonwealth may, from time to time, be divided by the general court for that purpose : and the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts ; and timely make known, to the inhabitants of the Commonwealth, the limits

Senate, number of, and by whom elected.

See amendments, Arts. XIII. and XVI.

of each district, and the number of conceillors and senators to be chosen therein : provided, that the number of such districts shall never be less than thirteen ; and that no district be so large as to entitle the same to choose more than six senators.

Counties to be districts, until, &c.
See amendments, Arts. XIII. and XXII.

And the several counties in this Commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for the choice of councillors and senators, (except that the counties of Dukes county and Nantucket shall form one district for that purpose,) and shall elect the following number for conceillors and senators, viz. :—

Suffolk,	six.	York,	two
Essex,	six.	Dukes Co. and Nantucket,	one
Middlesex, . . .	five.	Worcester,	five
Hampshire, . . .	four.	Cumberland,	one
Plymouth, . . .	three.	Lincoln,	one
Barnstable, . . .	one.	Berkshire,	two
Bristol,	three.		

Manner and time of choosing senators and conceillors.
See amendments, Arts. II., X., XIV. and XV.

II. The senate shall be the first branch of the legislature ; and the senators shall be chosen in the following manner, viz. : there shall be a meeting on the first Monday in April, annually, forever, of the inhabitants of each town in the several counties of this Commonwealth, to be called by the selectmen, and warned in due course of law, at least seven days before the first Monday in April, for the purpose of electing persons to be senators and conceillors ; and at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate, within the Commonwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant. And to remove all doubts concerning the meaning of the word “inhabitant,” in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office or place within this State, in that town, district or plantation where he dwelleth or hath his home.

See amendments, Arts. III., XX. and XXIII.

Word “inhabitant” defined.

Selectmen to preside at town meetings.

Return of votes.

The selectmen of the several towns shall preside at such meetings impartially, and shall receive the votes of all the inhabitants of such towns, present and qualified to vote for senators, and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name ; and a fair copy of this

record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the Commonwealth, for the time being, with a superscription expressing the purport of the contents thereof, and delivered by the town clerk of such towns, to the sheriff of the county in which such town lies, thirty days at least before the last Wednesday in May, annually; or it shall be delivered into the secretary's office seventeen days at least before the said last Wednesday in May; and the sheriff of each county shall deliver all such certificates, by him received, into the secretary's office, seventeen days before the said last Wednesday in May.

See amendments,
Arts. II. and X.

And the inhabitants of plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for councillors and senators, in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation meetings for that purpose shall be held, annually, on the same first Monday in April, at such place in the plantations, respectively, as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution. And all other persons living in places unincorporated, (qualified as aforesaid,) who shall be assessed to the support of government, by the assessors of an adjacent town, shall have the privilege of giving in their votes for councillors and senators, in the town where they shall be assessed, and be notified of the place of meeting, by the selectmen of the town where they shall be assessed, for that purpose, accordingly.

Inhabitants of unincorporated plantations, who pay State taxes, may vote.

Plantation meetings.
See amendments,
Art. X.

Assessors to notify, &c.

III. And that there may be a due convention of senators on the last Wednesday in May, annually, the governor, with five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said day, he shall issue his summons to such persons as shall appear to be chosen by a majority of voters, to attend on that day, and take their seats accordingly: provided, nevertheless, that for the first year, the said returned copies shall be examined by the president and five of the council of the former constitution of government; and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.

Governor and council to examine and count votes, and issue summonses.

See amendments,
Art. X.

Senate to be final judge of elections, &c., of its own members.

See amendments, Arts. X., XIV. and XXIV.

Vacancies, how filled.

Qualifications of a senator. See amendments, Arts. XIII. and XXII.

Senate not to adjourn more than two days.

Shall choose its officers and establish its rules. Shall try all impeachments.

Oath.

Limitation of sentence.

IV. The senate shall be the final judge of the elections, returns and qualifications of their own members, as pointed out in the constitution; and shall, on the said last Wednesday in May, annually, determine and declare who are elected by each district to be senators, by a majority of votes: and in case there shall not appear to be the full number of senators returned, elected by a majority of votes, for any district, the deficiency shall be supplied in the following manner, viz.: The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for; and out of these, shall elect by ballot a number of senators sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled up in every district of the Commonwealth; and in like manner all vacancies in the senate, arising by death, removal out of the State or otherwise, shall be supplied as soon as may be after such vacancies shall happen.

V. Provided, nevertheless, that no person shall be capable of being elected as a senator, who is not seized in his own right of a freehold, within this Commonwealth, of the value of three hundred pounds at least, or possessed of personal estate of the value of six hundred pounds at least, or of both to the amount of the same sum, and who has not been an inhabitant of this Commonwealth for the space of five years immediately preceding his election, and, at the time of his election, he shall be an inhabitant in the district for which he shall be chosen.

VI. The senate shall have power to adjourn themselves; provided such adjournments do not exceed two days at a time.

VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.

VIII. The senate shall be a court, with full authority to hear and determine all impeachments made by the house of representatives, against any officer or officers of the Commonwealth, for misconduct and mal-administration in their offices: but, previous to the trial of every impeachment, the members of the senate shall, respectively, be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office, and disqualification to hold or enjoy any place of honor, trust or profit, under this Commonwealth: but the party so convicted shall

be, nevertheless, liable to indictment, trial, judgment and punishment, according to the laws of the land.

IX. Not less than sixteen members of the senate, shall Quorum. constitute a quorum for doing business.

CHAPTER I.

SECTION III.

House of Representatives.

ART. I. There shall be, in the legislature of this Commonwealth, a representation of the people, annually elected, and founded upon the principle of equality. Representation of the people.

II. And in order to provide for a representation of the citizens of this Commonwealth, founded upon the principle of equality, every corporate town, containing one hundred and fifty ratable polls, may elect one representative; every corporate town, containing three hundred and seventy-five ratable polls, may elect two representatives; every corporate town, containing six hundred ratable polls, may elect three representatives; and proceeding in that manner, making two hundred and twenty-five ratable polls the mean increasing number for every additional representative. Representatives, by whom chosen.
See amendments, Arts. XII., XIII. and XXI.

Provided, nevertheless, that each town now incorporated, not having one hundred and fifty ratable polls, may elect one representative; but no place shall hereafter be incorporated with the privilege of electing a representative, unless there are within the same one hundred and fifty ratable polls. Proviso as to towns having less than 150 ratable polls.

And the house of representatives shall have power, from time to time, to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this constitution. Towns liable to fine in case, &c.

The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave. Expense of travelling to and from the general court, how paid.

III. Every member of the house of representatives shall be chosen by written votes; and, for one year at least next preceding his election, shall have been an inhabitant of, and have been seized in his own right of a freehold of the value of one hundred pounds, within the town he shall be chosen to represent, or any ratable estate to the value of two hun- Qualifications of a representative. See amendments, Arts. XIII., XIV. and XXI.

- dred pounds; and he shall cease to represent the said town, immediately on his ceasing to be qualified as aforesaid.
- Qualifications of a voter.** IV. Every male person, being twenty-one years of age, and resident in any particular town in this Commonwealth, for the space of one year next preceding, having a freehold estate within the same town, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town.
- See amendments, Arts. III., XX. and XXIII.** V. The members of the house of representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.
- Representatives, when chosen. See amendments, Arts. X. and XV.** VI. The house of representatives shall be the grand inquest of this Commonwealth; and all impeachments made by them shall be heard and tried by the senate.
- House alone can impeach.** VII. All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.
- House to originate all money bills.** VIII. The house of representatives shall have power to adjourn themselves; provided such adjournment shall not exceed two days at a time.
- Not to adjourn more than two days.** IX. Not less than sixty members of the house of representatives shall constitute a quorum for doing business.
- Quorum. See amendments, Art. XXI.** X. The house of representatives shall be the judge of the returns, elections and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker, appoint their own officers, and settle the rules and orders of proceeding in their own house. They shall have authority to punish by imprisonment, every person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the house; or who shall assault any of them therefor; or who shall assault or arrest any witness, or other person, ordered to attend the house, in his way in going or returning; or who shall rescue any person arrested by the order of the house.
- House to judge of returns, &c., of its own members; to choose its officers and establish its rules, &c. May punish for certain offences.** XI. The house of representatives shall be the judge of the returns, elections and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker, appoint their own officers, and settle the rules and orders of proceeding in their own house. They shall have authority to punish by imprisonment, every person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the house; or who shall assault any of them therefor; or who shall assault or arrest any witness, or other person, ordered to attend the house, in his way in going or returning; or who shall rescue any person arrested by the order of the house.
- Privileges of members.** And no member of the house of representatives shall be arrested, or held to bail on mean process, during his going unto, returning from, or his attending, the general assembly.
- Governor and council may punish. General limitation.** XII. The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases: provided, that no imprisonment, on the warrant or order of the governor, council,

senate or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may, respectively, think best.

Trial may be by committee, or otherwise.

CHAPTER II.

EXECUTIVE POWER.

SECTION I.

Governor.

ART. I. There shall be a supreme executive magistrate, who shall be styled—THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS ; and whose title shall be—HIS EXCEL-
LENCY.

Governor.

His title.

II. The governor shall be chosen annually ; and no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this Commonwealth for seven years next preceding ; and unless he shall, at the same time, be seized, in his own right, of a freehold, within the Commonwealth, of the value of one thousand pounds ; and unless he shall declare himself to be of the Christian religion.

To be chosen annually.
Qualifications.

See amendments,
Art. VII.

III. Those persons who shall be qualified to vote for senators and representatives, within the several towns of this Commonwealth, shall, at a meeting to be called for that purpose, on the first Monday of April, annually, give in their votes for a governor, to the selectmen, who shall preside at such meetings ; and the town clerk, in the presence and with the assistance of the selectmen, shall, in open town meeting, sort and count the votes, and form a list of the persons voted for, with the number of votes for each person against his name ; and shall make a fair record of the same in the town books, and a public declaration thereof in the said meeting ; and shall, in the presence of the inhabitants, seal up copies of the said list, attested by him and the selectmen, and transmit the same to the sheriff of the county, thirty days at least before the last Wednesday in May ; and the sheriff shall transmit the same to the secretary's office,

By whom chosen, if he have a majority of votes.

See amendments,
Arts. II., X., XIV.
and XV.

seventeen days at least before the said last Wednesday in May ; or the selectmen may cause returns of the same to be made, to the office of the secretary of the Commonwealth, seventeen days at least before the said day ; and the secretary shall lay the same before the senate and the house of representatives, on the last Wednesday in May, to be by them examined ; and in case of an election by a majority of all the votes returned, the choice shall be by them declared and published ; but if no person shall have a majority of votes, the house of representatives shall, by ballot, elect two out of four persons, who had the highest number of votes, if so many shall have been voted for ; but, if otherwise, out of the number voted for ; and make return to the senate of the two persons so elected ; on which, the senate shall proceed, by ballot, to elect one, who shall be declared governor.

How chosen,
when no person
has a majority.

Power of govern-
nor, and of govern-
or and coun-
cil.

IV. The governor shall have authority, from time to time, at his discretion, to assemble and call together the councillors of this Commonwealth for the time being ; and the governor, with the said councillors, or five of them, at least, shall, and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the Commonwealth, agreeably to the constitution and the laws of the land.

Same subject.

See Amendments,
Art. X.

V. The governor, with advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue the same to any time the two houses shall desire ; and to dissolve the same on the day next preceding the last Wednesday in May ; and, in the recess of the said court, to prorogue the same from time to time, not exceeding ninety days in any one recess ; and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the Commonwealth shall require the same ; and in case of any infectious distemper prevailing in the place where the said court is next at any time to convene, or any other cause happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other the most convenient place within the State.

See amendments,
Art. X.

And the governor shall dissolve the said general court on the day next preceding the last Wednesday in May.

Governor and
council may ad-
journ the general
court in cases,
&c., but not ex-
ceeding ninety
days.

VI. In cases of disagreement between the two houses, with regard to the necessity, expediency, or time of adjournment or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days, as he shall determine the public good shall require.

VII. The governor of this Commonwealth, for the time being, shall be the commander-in-chief of the army and navy, and of all the military forces of the State, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise and govern the militia and navy; and, for the special defence and safety of the Commonwealth, to assemble in martial array, and put in warlike posture the inhabitants thereof, and to lead and conduct them, and with them, to encounter, repel, resist, expel and pursue, by force of arms, as well by sea as by land, within or without the limits of this Commonwealth, and also to kill, slay and destroy, if necessary, and conquer, by all fitting ways, enterprises and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment, or annoyance of this Commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as occasion shall necessarily require; and to take and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition and other goods, as shall, in a hostile manner, invade or attempt the invading, conquering, or annoying this Commonwealth; and that the governor be intrusted with all these and other powers, incident to the offices of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

Governor to be commander-in-chief.

Provided, that the said governor shall not, at any time hereafter, by virtue of any power by this constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this Commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the State to which they cannot otherwise conveniently have access.

Limitation.

VIII. The power of pardoning offences, except such as persons may be convicted of before the senate, by an impeachment of the house, shall be in the governor, by and with the advice of council; but no charter of pardon, granted by the governor, with advice of the council, before conviction, shall avail the party pleading the same, notwithstanding any

Governor and council may pardon offences, except, &c.

But not before conviction.

general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

All judicial officers, &c., how nominated and appointed.
See amendments, Arts. XIV., XVII. and XIX.

IX. All judicial officers, the attorney-general, the solicitor-general, all sheriffs, coroners and registers of probate, shall be nominated and appointed by the governor, by and with the advice and consent of the council; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment.

Militia officers, how elected.

See amendments, Art. V.

X. The captains and subalterns of the militia shall be elected by the written votes of the train-band and alarm list of their respective companies, of twenty-one years of age and upwards; the field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments; the brigadiers shall be elected, in like manner, by the field officers of their respective brigades; and such officers, so elected, shall be commissioned by the governor, who shall determine their rank.

How commissioned.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the governor the officers elected.

Major-generals, how appointed and commissioned.

The major-generals shall be appointed by the senate and house of representatives, each having a negative upon the other; and be commissioned by the governor.

Vacancies, how filled, in case, &c.

And if the electors of brigadiers, field officers, captains or subalterns shall neglect or refuse to make such elections, after being duly notified, according to the laws for the time being, then the governor, with advice of council, shall appoint suitable persons to fill such offices.

Officers duly commissioned, how removed.
See amendments, Art. IV.

And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court martial, pursuant to the laws of the Commonwealth for the time being.

Adjutants, &c., how appointed.

The commanding officers of regiments shall appoint their adjutants and quartermasters; the brigadiers their brigade-majors; and the major-generals their aids; and the governor shall appoint the adjutant-general.

The governor, with advice of council, shall appoint all officers of the continental army, whom by the confederation of the United States it is provided that this Commonwealth shall appoint,—as also all officers of forts and garrisons.

Organization of militia.

The divisions of the militia into brigades, regiments and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this Commonwealth, until the same shall be altered in pursuance of some future law.

XI. No moneys shall be issued out of the treasury of this Commonwealth and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon,) but by warrant under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the Commonwealth, and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

Money, how drawn from the treasury, except, &c.

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this Commonwealth, and all commanding officers of forts and garrisons within the same, shall, once in every three months, officially and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property whatever under their care, respectively; distinguishing the quantity, number, quality and kind of each, as particularly as may be; together with the condition of such forts and garrisons; and the said commanding officer shall exhibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea, or harbor or harbors, adjacent.

All public boards, &c., to make quarterly returns

And the said boards, and all public officers, shall communicate to the governor, as soon as may be after receiving the same, all letters, dispatches and intelligences of a public nature, which shall be directed to them respectively.

XIII. As the public good requires that the governor should not be under the undue influence of any of the members of the general court, by a dependence on them for his support—that he should, in all cases, act with freedom for the benefit of the public—that he should not have his attention necessarily diverted from that object to his private concerns—and that he should maintain the dignity of the Commonwealth in the character of its chief magistrate—it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Salary of governor.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

Salaries of justices of supreme judicial court.

Salaries to be enlarged, if insufficient.

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

CHAPTER II.

SECTION II.

Lieutenant-Governor.

Lieutenant-governor; his title and qualifications.

See amendments, Arts. III., VI., X. and XV.

How chosen.

President of council.

Lieutenant-governor a member of, except, &c.

Lieutenant-governor to be acting governor, in case, &c.

ART. I. There shall be annually elected a lieutenant-governor of the Commonwealth of Massachusetts, whose title shall be—HIS HONOR; and who shall be qualified, in point of religion, property, and residence in the Commonwealth, in the same manner with the governor; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner; and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate and house of representatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people to be governor.

II. The governor, and in his absence the lieutenant-governor, shall be president of the council, but shall have no vote in council; and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

III. Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the Commonwealth, or otherwise, the lieutenant-governor, for the time being, shall, during such vacancy, perform all the duties incumbent upon the governor, and shall have and exercise all the powers and authorities, which, by this constitution, the governor is vested with, when personally present.

CHAPTER II.

SECTION III.

Council, and the Manner of settling Elections by the Legislature.

Council.

See amendments, Art. XVI.

ART. I. There shall be a council, for advising the governor in the executive part of the government, to consist of nine persons besides the lieutenant-governor, whom the

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governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together; and the governor, with the said councillors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the Commonwealth, according to the laws of the land.

II. Nine councillors shall be annually chosen from among the persons returned for councillors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room; and in case there shall not be found, upon the first choice, the whole number of nine persons who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left, shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.

III. The councillors, in the civil arrangements of the Commonwealth, shall have rank next after the lieutenant-governor.

IV. Not more than two councillors shall be chosen out of any one district in this Commonwealth.

V. The resolutions and advice of the council shall be recorded in a register, and signed by the members present; and this record may be called for, at any time, by either house of the legislature; and any member of the council may insert his opinion, contrary to the resolution of the majority.

VI. Whenever the office of the governor and lieutenant-governor shall be vacant by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority, to do and execute, all and every such acts, matters and things, as the governor or the lieutenant-governor might or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present.

VII. And whereas the elections appointed to be made by this constitution on the last Wednesday in May annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day, until the same shall be completed. And the order of elections shall be as follows: the vacancies in the senate, if any, shall first be filled up; the governor and lieutenant-governor shall then be elected, provided there should be no choice of them by the people; and afterwards the two houses shall proceed to the election of the council.

Number; from whom, and how chosen.

See amendments, Arts. X., XIII. and XVI.

If senators become councillors, their seats to be vacated.

Rank of councillors.

No district to have more than two.

Register of council.

Council to exercise the power of governor, in case, &c.

Elections may be adjourned until, &c.

Order thereof.

Amendments, Arts. XVI. and XXV.

CHAPTER II.

SECTION IV.

Secretary, Treasurer, Commissary, &c.

Secretary, &c.;
by whom and
how chosen.
See amendments,
Arts. IV. and
XVII.

Treasurer ineligible
for more than
five successive
years.

Secretary to keep
records; to attend
the governor and
council, &c.

ART. I. The secretary, treasurer and receiver-general, and the commissary-general, notaries public and naval officers, shall be chosen annually, by joint ballot of the senators and representatives, in one room. And, that the citizens of this Commonwealth may be assured, from time to time, that the moneys remaining in the public treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible as treasurer and receiver-general more than five years successively.

II. The records of the Commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable; and he shall attend the governor and council, the senate and house of representatives in person, or by his deputies, as they shall respectively require.

CHAPTER III.

JUDICIARY POWER.

Tenure of all
commissioned
officers to be
expressed.
Judicial officers
to hold office dur-
ing good behav-
ior, except, &c.
May be removed
on address.

Justices of su-
preme judicial
court to give
opinions when
required.

Justices of the
peace; tenure of
their office.

ART. I. The tenure, that all commission officers shall by law have in their offices, shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution: provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

II. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

III. In order that the people may not suffer from the long continuance in place of any justice of the peace, who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void, in the term of seven years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed,

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or another person appointed, as shall most conduce to the well being of the Commonwealth.

IV. The judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require; and the legislature shall, from time to time, hereafter, appoint such times and places; until which appointments, the said courts shall be holden at the times and places which the respective judges shall direct.

Provisions for holding probate courts.

V. All causes of marriage, divorce and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council, until the legislature shall, by law, make other provision.

Provisions for determining causes of marriage, divorce, &c.

CHAPTER IV.

DELEGATES TO CONGRESS.

The delegates of this Commonwealth to the congress of the United States shall, some time in the month of June, annually, be elected by the joint ballot of the senate and house of representatives assembled together in one room; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the governor, and the great seal of the Commonwealth; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.

Delegates to congress.

CHAPTER V.

THE UNIVERSITY AT CAMBRIDGE, AND ENCOURAGEMENT OF LITERATURE, &C.

SECTION I.

The University.

ART. I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of Harvard College, in which university many persons of great eminence have, by the blessing of God, been initiated in those arts and sciences which qualified

Harvard College.

Powers, privileges, &c., of the president and fellows, confirmed.

them for public employments, both in church and state; and whereas the encouragement of arts and sciences, and all good literature, tends to the honor of God, the advantage of the Christian religion, and the great benefit of this and the other United States of America,—it is declared, that the PRESIDENT AND FELLOWS OF HARVARD COLLEGE, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise and enjoy, all the powers, authorities, rights, liberties, privileges, immunities and franchises, which they now have, or are entitled to have, hold, use, exercise and enjoy; and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard College, and to their successors, and to their officers and servants, respectively, forever.

All gifts, grants, &c., confirmed.

II. And whereas there have been, at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies and conveyances, heretofore made, either to Harvard College in Cambridge, in New England, or to the president and fellows of Harvard College, or to the said college, by some other description, under several charters successively; it is declared, that all the said gifts, grants, devises, legacies and conveyances, are hereby forever confirmed unto the president and fellows of Harvard College, and to their successors, in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, devisor or devisors.

Who shall be overseers.

III. And whereas by an act of the general court of the colony of Massachusetts Bay, passed in the year one thousand six hundred and forty-two, the governor and deputy-governor, for the time being, and all the magistrates of that jurisdiction, were, with the president, and a number of the clergy in the said act described, constituted the overseers of Harvard College; and it being necessary, in this new constitution of government, to ascertain who shall be deemed successors to the said governor, deputy-governor, and magistrates; it is declared, that the governor, lieutenant-governor, council and senate of this Commonwealth, are, and shall be deemed, their successors; who, with the president of Harvard College, for the time being, together with the ministers of the congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining, to the overseers of Harvard College: provided, that nothing herein shall be construed to prevent the legis-

Power of alteration reserved to the legislature.

lature of this Commonwealth from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the legislature of the late Province of the Massachusetts Bay.

CHAPTER V.

SECTION II.

The Encouragement of Literature, &c.

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this Commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools, and grammar schools in the towns; to encourage private societies, and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments among the people.

Duty of legislatures and magistrates in all future periods. See amendments, Art. XVIII.

CHAPTER VI.

OATHS AND SUBSCRIPTIONS; INCOMPATIBILITY OF AND EXCLUSION FROM OFFICES; PECUNIARY QUALIFICATIONS; COMMISSIONS; WRITS; CONFIRMATION OF LAWS; HABEAS CORPUS; THE ENACTING STYLE; CONTINUANCE OF OFFICERS; PROVISION FOR A FUTURE REVISAL OF THE CONSTITUTION, &c.

ART. I. Any person chosen governor, lieutenant-governor, councillor, senator or representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz.:

See amendments,
Art. VII.

"I, A. B., do declare, that I believe the Christian religion, and have a firm persuasion of its truth; and that I am seized and possessed, in my own right, of the property required by the constitution, as one qualification for the office or place to which I am elected."

And the governor, lieutenant-governor and councillors, shall make and subscribe the said declaration, in the presence of the two houses of assembly; and the senators and representatives, first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards, before the governor and council for the time being.

And every person, chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz.:

See amendments,
Art. VI.

"I, A. B., do truly and sincerely acknowledge, profess, testify and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign and independent State; and I do swear, that I will bear true faith and allegiance to the said Commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever; and that I do renounce and abjure all allegiance, subjection and obedience to the king, queen or government of Great Britain, (as the case may be,) and every other foreign power whatsoever; and that no foreign prince, person, prelate, state or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power, in any matter, civil, ecclesiastical or spiritual, within this Commonwealth; except the authority and power which is or may be vested by their constituents in the congress of the United States: and I do further testify and declare, that no man, or body of men, hath, or can have, any right to absolve or discharge me from the obligation of this oath, declaration or affirmation; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation and abjuration, heartily and truly, according to the common meaning and acceptation of the foregoing words, without any equivocation, mental evasion, or secret reservation whatsoever. So help me, God."

"I, A. B., do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my abilities and understanding, agreeably to the

rules and regulations of the constitution, and the laws of the Commonwealth. So help me, God."

Provided, always, that when any person, chosen or appointed as aforesaid, shall be of the denomination of the people called Quakers, and shall decline taking the said oaths, he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words, "*I do swear,*" "*and abjure,*" "*oath or,*" "*and abjuration,*" in the first oath; and in the second oath, the words "*swear and,*" and in each of them the words "*So help me, God;*" subjoining instead thereof, "*This I do under the pains and penalties of perjury.*"

And the said oaths or affirmations shall be taken and subscribed by the governor, lieutenant-governor and councillors, before the president of the senate, in the presence of the two houses of assembly; and by the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards before the governor and council for the time being; and by the residue of the officers aforesaid, before such persons, and in such manner, as from time to time shall be prescribed by the legislature.

II. No governor, lieutenant-governor, or judge of the supreme judicial court, shall hold any other office or place, under the authority of this Commonwealth, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace through the State; nor shall they hold any other place or office, or receive any pension or salary from any other State, or government or power, whatever.

Plurality of offices prohibited to governor, &c., except, &c.

See amendments, Art. VIII.

No person shall be capable of holding or exercising at the same time, within this State, more than one of the following offices, viz.: judge of probate—sheriff—register of probate—or register of deeds; and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by the election of the people of the State at large, or of the people of any county, military offices, and the offices of justices of the peace excepted, shall be held by one person.

Same subject.

No person holding the office of judge of the supreme judicial court—secretary—attorney-general—solicitor-general—treasurer or receiver-general—judge of probate—commissary-general—president, professor or instructor of Harvard College—sheriff—clerk of the house of representatives—register of probate—register of deeds—clerk of the

Incompatible offices.

See amendments, Art. VIII.

supreme judicial court—clerk of the inferior court of common pleas—or officer of the customs, including in this description naval officers—shall at the same time have a seat in the senate or house of representatives; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives; and the place so vacated shall be filled up.

Same subject.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall accept a seat in council; or any councillor shall accept of either of those offices or places.

Bribery, &c., operates disqualification.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this Commonwealth, who shall in the due course of law, have been convicted of bribery or corruption, in obtaining an election or appointment.

Value of money ascertained. Property qualifications.

See amendments, Art. XIII.

III. In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce; and it shall be in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the Commonwealth shall require.

Provisions respecting commissions.

IV. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the governor, and attested by the secretary or his deputy, and have the great seal of the Commonwealth affixed thereto.

Provisions respecting writs.

V. All writs, issuing out of the clerk's office in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts; they shall be under the seal of the court from whence they issue; they shall bear test of the first justice of the court to which they shall be returnable who is not a party, and be signed by the clerk of such court.

Continuation of former laws, except, &c.

VI. All the laws, which have heretofore been adopted, used and approved, in the Province, Colony or State of Massachusetts Bay, and usually practiced on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature; such parts only excepted as are repugnant to the rights and liberties contained in this constitution.

Benefit of habeas corpus secured, except, &c.

VII. The privilege and benefit of the writ of habeas corpus shall be enjoyed in this Commonwealth, in the most free, easy, cheap, expeditious and ample manner; and shall not be suspended by the legislature, except upon the most

urgent and pressing occasions, and for a limited time, not exceeding twelve months.

VIII. The enacting style, in making and passing all acts, statutes and laws, shall be—"Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same." The enacting style.

IX. To the end there may be no failure of justice, or danger arise to the Commonwealth, from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay, in New England, and all other officers of the said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise and enjoy all the powers and authority to them granted or committed, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies and powers, shall continue in full force, in the enjoyment and exercise of all their trusts, employments and authority, until the general court, and the supreme and executive officers under this constitution, are designated and invested with their respective trusts, powers and authority. Officers of former government continued until, &c.

X. In order the more effectually to adhere to the principles of the constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court, which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution, in order to amendments. Provision for revising constitution.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the State, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns, to elect delegates to meet in convention for the purpose aforesaid. Same subject.

The said delegates to be chosen in the same manner and proportion as their representatives in the second branch of the legislature are by this constitution to be chosen.

Provision for preserving and publishing this constitution.

XI. This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the book containing the laws of this Commonwealth, in all future editions of the said laws.

ARTICLES OF AMENDMENT.

Bill, &c., not approved within five days, not to become a law, if legislature adjourn in the mean time.

ART. I. If any bill or resolve shall be objected to, and not approved by the governor; and if the general court shall adjourn within five days after the same shall have been laid before the governor for his approbation, and thereby prevent his returning it with his objections, as provided by the constitution, such bill or resolve shall not become a law, nor have force as such.

General court empowered to charter cities.

ART. II. The general court shall have full power and authority to erect and constitute municipal or city governments, in any corporate town or towns in this Commonwealth, and to grant to the inhabitants thereof such powers, privileges and immunities, not repugnant to the constitution, as the general court shall deem necessary or expedient for the regulation and government thereof, and to prescribe the manner of calling and holding public meetings of the inhabitants in wards or otherwise, for the election of officers under the constitution, and the manner of returning the votes given at such meetings: provided, that no such government shall be erected or constituted in any town not containing twelve thousand inhabitants; nor unless it be with the consent, and on the application, of a majority of the inhabitants of such town, present and voting thereon, pursuant to a vote at a meeting duly warned and holden for that purpose; and provided, also, that all by-laws, made by such municipal or city government, shall be subject, at all times, to be annulled by the general court.

Proviso.

Qualifications of voters for governor, lieutenant-governor, senators and representatives. 11
Pick. 538.
See amendments, Arts. XX. and XXIII.

ART. III. Every male citizen of twenty-one years of age and upwards, (excepting paupers and persons under guardianship,) who shall have resided within the Commonwealth one year, and within the town or district, in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant-governor, senators or

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representatives, and who shall have paid, by himself or his parent, master or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this Commonwealth; and also, every citizen who shall be by law exempted from taxation, and who shall be in all other respects qualified as above mentioned, shall have a right to vote in such election of governor, lieutenant-governor, senators and representatives; and no other person shall be entitled to vote in such elections.

ART. IV. Notaries public shall be appointed by the governor, in the same manner as judicial officers are appointed, and shall hold their offices during seven years, unless sooner removed by the governor, with the consent of the council, upon the address of both houses of the legislature.

Notaries public,
how appointed
and removed.

In case the office of secretary or treasurer of the Commonwealth shall become vacant from any cause, during the recess of the general court, the governor, with the advice and consent of the council, shall nominate and appoint, under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall hold the same until a successor shall be appointed by the general court.

Vacancies in the
offices of secretary
and treasurer,
how filled in case,
&c.
See amendments,
Art. XVII.

Whenever the exigencies of the Commonwealth shall require the appointment of a commissary-general, he shall be nominated, appointed and commissioned, in such manner as the legislature may, by law, prescribe.

Commissary-general
may be appointed,
in case,
&c.

All officers commissioned to command in the militia, may be removed from office in such manner as the legislature may, by law, prescribe.

Militia officers,
how removed.

ART. V. In the elections of captains and subalterns of the militia, all the members of their respective companies, as well those under as those above the age of twenty-one years, shall have a right to vote.

Who may vote
for captains and
subalterns.

ART. VI. Instead of the oath of allegiance prescribed by the constitution, the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military, under the government of this Commonwealth, before he shall enter on the duties of his office, to wit:—

Oath to be taken
by all officers;

“I, A. B., do solemnly swear, that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, God.”

or affirmation in
case, &c.

Provided, That when any person shall be of the denomination called Quakers, and shall decline taking said oath, he shall make his affirmation in the foregoing form, omitting the word "swear," and inserting, instead thereof, the word "affirm," and omitting the words, "So help me, God," and subjoining, instead thereof, the words "This I do under the pains and penalties of perjury."

Tests abolished.

ART. VII. No oath, declaration or subscription, excepting the oath prescribed in the preceding article, and the oath of office, shall be required of the governor, lieutenant-governor, councillors, senators or representatives, to qualify them to perform the duties of their respective offices.

Incompatibility
of offices.

ART. VIII. No judge of any court of this Commonwealth, (except the court of sessions,) and no person holding any office under the authority of the United States (postmasters excepted,) shall, at the same time, hold the office of governor, lieutenant-governor or councillor, or have a seat in the senate or house of representatives of this Commonwealth; and no judge of any court in this Commonwealth, (except the court of sessions,) nor the attorney-general, solicitor-general, county-attorney, clerk of any court, sheriff, treasurer and receiver-general, register of probate, nor register of deeds, shall continue to hold his said office after being elected a member of the Congress of the United States, and accepting that trust; but the acceptance of such trust, by any of the officers aforesaid, shall be deemed and taken to be a resignation of his said office; and judges of the courts of common pleas shall hold no other office under the government of this Commonwealth, the office of justice of the peace and militia offices excepted.

Amendments to
constitution, how
made.

ART. IX. If, at any time hereafter, any specific and particular amendment or amendments to the constitution be proposed in the general court, and agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, and referred to the general court then next to be chosen, and shall be published; and if, in the general court next chosen, as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, then it shall be the duty of the general court

to submit such proposed amendment or amendments to the people; and if they shall be approved and ratified by a majority of the qualified voters, voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the constitution of this Commonwealth.

ART. X. The political year shall begin on the first Wednesday of January, instead of the last Wednesday of May; and the general court shall assemble every year on the said first Wednesday of January, and shall proceed, at that session, to make all the elections, and do all the other acts, which are by the constitution required to be made and done at the session which has heretofore commenced on the last Wednesday of May. And the general court shall be dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of the governor. But nothing herein contained shall prevent the general court from assembling at such other times as they shall judge necessary, or when called together by the governor. The governor, lieutenant-governor and councillors, shall also hold their respective offices for one year next following the first Wednesday of January, and until others are chosen and qualified in their stead.

Commencement
of political year,

and termination.

The meeting for the choice of governor, lieutenant-governor, senators and representatives shall be held on the second Monday of November in every year; but meetings may be adjourned, if necessary, for the choice of representatives, to the next day, and again to the next succeeding day, but no further. But in case a second meeting shall be necessary for the choice of representatives, such meetings shall be held on the fourth Monday of the same month of November.

Meetings for the
choice of gover-
nor, lieutenant-
governor, &c.,
when to be held.
May be adjourn-
ed.
See amendments,
Art. XV.

All the other provisions of the constitution, respecting the elections and proceedings of the members of the general court, or of any other officers or persons whatever, that have reference to the last Wednesday of May as the commencement of the political year, shall be so far altered, as to have like reference to the first Wednesday of January.

This article shall go into operation on the first day of October, next following the day when the same shall be duly ratified and adopted as an amendment of the constitution; and the governor, lieutenant-governor, councillors, senators, representatives, and all other state officers, who are annually chosen, and who shall be chosen for the current year, when the same shall go into operation, shall hold their respective offices until the first Wednesday of January then next fol-

Article, when to
go into operation.

lowing, and until others are chosen and qualified in their stead, and no longer ; and the first election of the governor, lieutenant-governor, senators and representatives, to be had in virtue of this article, shall be had conformably thereunto, in the month of November following the day on which the same shall be in force and go into operation, pursuant to the foregoing provision.

Inconsistent provisions annulled.

All the provisions of the existing constitution, inconsistent with the provisions herein contained, are hereby wholly annulled.

Religious freedom established.

ART. XI. Instead of the third article of the bill of rights, the following modification and amendment thereof is substituted :—

“ As the public worship of God, and instructions in piety, religion and morality, promote the happiness and prosperity of a people, and the security of a republican government ; therefore the several religious societies of this Commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses ; and all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society a written notice declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract which may be thereafter made or entered into by such society ; and all religious sects and denominations, demeaning themselves peaceably, and as good citizens of the Commonwealth, shall be equally under the protection of the law ; and no subordination of any one sect or denomination to another shall ever be established by law.”

Census of ratable polls to be taken in 1837, and decennially thereafter.

ART. XII. In order to provide for a representation of the citizens of this Commonwealth, founded upon the principles of equality, a census of the ratable polls in each city, town and district of the Commonwealth, on the first day of May, shall be taken and returned into the secretary's office, in such manner, as the legislature shall provide, within the month of May, in the year of our Lord one thousand eight hundred and thirty-seven, and in every tenth year thereafter, in the month of May, in manner aforesaid : and each town or city having three hundred ratable polls at the last pre-

Representatives, how apportioned. See amendments,

ceding decennial census of polls, may elect one representative, and for every four hundred and fifty ratable polls, in addition to the first three hundred, one representative more.

Arts. XIII. and XXI.

Any town having less than three hundred ratable polls shall be represented thus: The whole number of ratable polls, at the last preceding decennial census of polls, shall be multiplied by ten, and the product divided by three hundred; and such town may elect one representative as many years within ten years, as three hundred is contained in the product aforesaid.

Towns having less than 300 ratable polls, how represented.

Any city or town having ratable polls enough to elect one or more representatives, with any number of polls beyond the necessary number, may be represented, as to that surplus number, by multiplying such surplus number by ten, and dividing the product by four hundred and fifty; and such city or town may elect one additional representative as many years, within the ten years, as four hundred and fifty is contained in the product aforesaid.

Fractions, how represented.

Any two or more of the several towns and districts may, by consent of a majority of the legal voters present at a legal meeting in each of said towns and districts, respectively, called for that purpose, and held previous to the first day of July, in the year in which the decennial census of polls shall be taken, form themselves into a representative district, to continue until the next decennial census of polls, for the election of a representative or representatives; and such districts shall have all the rights, in regard to representation, which would belong to a town containing the same number of ratable polls.

Towns may unite into representative districts.

The governor and council shall ascertain and determine, within the months of July and August, in the year of our Lord one thousand eight hundred and thirty-seven, according to the foregoing principles, the number of representatives which each city, town and representative district is entitled to elect, and the number of years, within the period of ten years then next ensuing, that each city, town and representative district may elect an additional representative; and where any town has not a sufficient number of polls to elect a representative each year, then, how many years within the ten years, such town may elect a representative; and the same shall be done once in ten years thereafter, by the governor and council, and the number of ratable polls in each decennial census of polls, shall determine the number of representatives which each city, town and representative district may elect as aforesaid; and when the number of

The governor and council to determine the number of representatives to which each town is entitled.

New apportionment to be made once in every ten years.

representatives to be elected by each city, town or representative district is ascertained and determined as aforesaid, the governor shall cause the same to be published forthwith for the information of the people, and that number shall remain fixed and unalterable for the period of ten years.

Inconsistent provisions annulled.

All the provisions of the existing constitution inconsistent with the provisions herein contained, are hereby wholly annulled.

Census of inhabitants to be taken in 1840, and decennially thereafter, for basis of apportionment of senators and representatives.

ART. XIII. A census of the inhabitants of each city and town, on the first day of May, shall be taken and returned into the secretary's office, on or before the last day of June, of the year one thousand eight hundred and forty, and of every tenth year thereafter; which census shall determine the apportionment of senators and representatives for the term of ten years.

Senatorial districts declared permanent. See amendments, Art. XXII.

The several senatorial districts now existing, shall be permanent. The senate shall consist of forty members; and in the year one thousand eight hundred and forty, and every tenth year thereafter, the governor and council shall assign the number of senators to be chosen in each district, according to the number of inhabitants in the same. But, in all cases, at least one senator shall be assigned to each district.

House of representatives, how apportioned. See amendments, Art. XXI.

The members of the house of representatives shall be apportioned in the following manner: Every town or city containing twelve hundred inhabitants, may elect one representative; and two thousand four hundred inhabitants shall be the mean increasing number, which shall entitle it to an additional representative.

Small towns, how represented.

Every town containing less than twelve hundred inhabitants shall be entitled to elect a representative as many times, within ten years, as the number one hundred and sixty is contained in the number of the inhabitants of said town. Such towns may also elect one representative for the year in which the valuation of estates within the Commonwealth, shall be settled.

Towns may unite into representative districts.

Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns, respectively, called for that purpose, and held before the first day of August, in the year one thousand eight hundred and forty, and every tenth year thereafter, form themselves into a representative district, to continue for the term of ten years; and such districts shall have all the rights, in regard to representation, which would belong to a town containing the same number of inhabitants.

The number of inhabitants which shall entitle a town to elect one representative, and the mean increasing number, which shall entitle a town or city to elect more than one, and also the number by which the population of towns, not entitled to a representative every year, is to be divided, shall be increased, respectively, by one-tenth of the numbers above mentioned, whenever the population of the Commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one-tenth shall be made, respectively, to the said numbers above mentioned.

Basis of representation, and ratio of increase.

In the year of each decennial census, the governor and council shall, before the first day of September, apportion the number of representatives which each city, town and representative district is entitled to elect, and ascertain how many years, within ten years, any town may elect a representative, which is not entitled to elect one every year; and the governor shall cause the same to be published forthwith.

The governor and council to apportion the number of representatives of each town once in every ten years.

Nine councillors shall be annually chosen from among the people at large, on the first Wednesday of January, or as soon thereafter as may be, by the joint ballot of the senators and representatives, assembled in one room, who shall, as soon as may be, in like manner, fill up any vacancies that may happen in the council, by death, resignation or otherwise. No person shall be elected a councillor who has not been an inhabitant of this Commonwealth for the term of five years immediately preceding his election; and not more than one councillor shall be chosen from any one senatorial district in the Commonwealth.

Councillors to be chosen from the people at large.

See amendments, Art. XVI.

Qualifications of councillors.

No possession of a freehold, or of any other estate, shall be required as a qualification for holding a seat in either branch of the general court, or in the executive council.

Freehold as a qualification not required.

ART. XIV. In all elections of civil officers by the people of this Commonwealth, whose election is provided for by the constitution, the person having the highest number of votes shall be deemed and declared to be elected.

Elections by the people to be by plurality of votes.

ART. XV. The meeting for the choice of governor, lieutenant-governor, senators and representatives, shall be held on the Tuesday next after the first Monday in November, annually; but in case of a failure to elect representatives on that day, a second meeting shall be holden, for that purpose, on the fourth Monday of the same month of November.

Time of annual election of governor and legislature.

ART. XVI. Eight councillors shall be annually chosen by the inhabitants of this Commonwealth, qualified to vote for

Eight councillors to be chosen by the people.

governor. The election of councillors shall be determined by the same rule that is required in the election of governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next State census shall have been taken, and at its first session after each decennial State census thereafterwards, shall divide the Commonwealth into eight districts of contiguous territory, each containing a number of inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one councillor: *provided, however,* that if, at any time, the constitution shall provide for the division of the Commonwealth into forty senatorial districts, then the legislature shall so arrange the councillor districts, that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature. No person shall be eligible to the office of councillor who has not been an inhabitant of the Commonwealth for the term of five years immediately preceding his election. The day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of governor. Whenever there shall be a failure to elect the full number of councillors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate; and vacancies occasioned by death, removal from the State, or otherwise, shall be filled in like manner, as soon as may be after such vacancies shall have happened. And that there may be no delay in the organization of the government on the first Wednesday of January, the governor, with at least five councillors for the time being, shall, as soon as may be, examine the returned copies of the records for the election of governor, lieutenant-governor, and councillors; and ten days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly; and the secretary shall lay the returns before the senate and house of representatives on the said first Wednesday in January, to be by them examined; and in case of the election of either of said officers, the choice shall be by them declared and published; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the manner provided in the constitution for the choice of such officers.

Legislature to
district State.

Day and manner
of election, &c.

Vacancies, how
filled.

Organization of
the government.

Election of secre-
tary, treasurer,
auditor and at-

ART. XVII. The secretary, treasurer and receiver-gen-
eral, auditor, and attorney-general, shall be chosen annually,

on the day in November prescribed for the choice of governor; and each person then chosen as such, duly qualified in other respects, shall hold his office for the term of one year from the third Wednesday in January next thereafter, and until another is chosen and qualified in his stead. The qualification of the voters, the manner of the election, the return of the votes, and the declaration of the election, shall be such as are required in the election of governor. In case of a failure to elect either of said officers on the day in November aforesaid, or in case of the decease, in the mean time, of the person elected as such, such officer shall be chosen on or before the third Wednesday in January next thereafter, from the two persons who had the highest number of votes for said offices on the day in November aforesaid, by joint ballot of the senators and representatives, in one room; and in case the office of secretary, or treasurer and receiver-general, or auditor, or attorney-general, shall become vacant, from any cause, during an annual or special session of the general court, such vacancy shall in like manner be filled by choice from the people at large; but if such vacancy shall occur at any other time, it shall be supplied by the governor by appointment, with the advice and consent of the council. The person so chosen or appointed, duly qualified in other respects, shall hold his office until his successor is chosen and duly qualified in his stead. In case any person chosen or appointed to either of the offices aforesaid, shall neglect, for the space of ten days after he could otherwise enter upon his duties, to qualify himself in all respects to enter upon the discharge of such duties, the office to which he has been elected or appointed shall be deemed vacant. No person shall be eligible to either of said offices unless he shall have been an inhabitant of this Commonwealth five years next preceding his election or appointment.

attorney-general by the people.

Vacancies, how filled.

To qualify within 10 days, otherwise office to be deemed vacant.

Qualifications requisite.

ART. XVIII. All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the State for the support of common schools, shall be applied to, and expended in, no other schools than those which are conducted according to law, under the order and superintendence of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance, exclusively, of its own school.

School moneys not to be applied for sectarian schools.

Legislature to prescribe for the election of sheriffs, registers of probate, &c., by the people.

ART. XIX. The legislature shall prescribe, by general law, for the election of sheriffs, registers of probate, commissioners of insolvency, and clerks of the courts, by the people of the several counties, and that district-attorneys shall be chosen by the people of the several districts, for such term of office as the legislature shall prescribe.

Reading constitution in English and writing, necessary qualifications of voters. Proviso.

ART. XX. No person shall have the right to vote, or be eligible to office under the constitution of this Commonwealth, who shall not be able to read the constitution in the English language and write his name: *provided, however*, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upwards at the time this amendment shall take effect.

Census of legal voters and of inhabitants, when taken, &c.

See General Stat. chapter 20.

ART. XXI. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the Commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters; and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of representatives for the periods between the taking of the census.

House to consist of 240 members.

The house of representatives shall consist of two hundred and forty members, which shall be apportioned by the legislature, at its first session after the return of each enumeration as aforesaid, to the several counties of the Commonwealth, equally, as nearly as may be, according to their relative numbers of legal voters, as ascertained by the next preceding special enumeration; and the town of Cohasset, in the county of Norfolk, shall, for this purpose, as well as in the formation of districts, as hereinafter provided, be considered a part of the county of Plymouth; and it shall be the duty of the secretary of the Commonwealth, to certify, as soon as may be after it is determined by the legislature, the number of representatives to which each county shall be entitled, to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, the county commissioners of other counties than Suffolk,—

or in lieu of the mayor and aldermen of the city of Boston, or of the county commissioners in each county other than Suffolk, such board of special commissioners in each county, to be elected by the people of the county, or of the towns therein, as may for that purpose be provided by law, shall, on the first Tuesday of August next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to each county equally, as nearly as may be, according to the relative number of legal voters in the several districts of each county; and such districts shall be so formed that no town or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three representatives. Every representative, for one year at least next preceding his election, shall have been an inhabitant of the district for which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the Commonwealth. The districts in each county shall be numbered by the board creating the same, and a description of each, with the numbers thereof and the number of legal voters therein, shall be returned by the board, to the secretary of the Commonwealth, the county treasurer of each county, and to the clerk of every town in each district, to be filed and kept in their respective offices. The manner of calling and conducting the meetings for the choice of representatives, and of ascertaining their election, shall be prescribed by law. Not less than one hundred members of the house of representatives shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

Legislature to apportion, &c.

Qualifications of representatives.

One hundred members a quorum.

ART. XXII. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the Commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters, and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of senators for the periods

Census, &c.

Senate to consist of 40 members. Senatorial districts, &c. between the taking of the census. The senate shall consist of forty members. The general court shall, at its first session after each next preceding special enumeration, divide the Commonwealth into forty districts of adjacent territory, each district to contain, as nearly as may be, an equal number of legal voters, according to the enumeration aforesaid: *provided, however*, that no town or ward of a city shall be divided therefor; and such districts shall be formed, as nearly as may be, without uniting two counties, or parts of two or more counties, into one district. Each district shall elect one senator, who shall have been an inhabitant of this Commonwealth five years at least immediately preceding his election, and at the time of his election shall be an inhabitant of the district for which he is chosen; and he shall cease to represent such senatorial district when he shall cease to be an inhabitant of the Commonwealth. Not less than sixteen senators shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

Proviso.

Qualifications of senators.

Sixteen members a quorum.

Residence of two years required of naturalized citizen, to entitle to suffrage or make eligible to office. ART. XXIII. No person of foreign birth shall be entitled to vote, or shall be eligible to office unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this Commonwealth: provided, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and, provided, further, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom.

Vacancies in the senate. ART. XXIV. Any vacancy in the senate shall be filled by election by the people of the unrepresented district, upon the order of a majority of senators elected.

Vacancies in the council. ART. XXV. In case of a vacancy in the council, from a failure of election, or other cause, the senate and house of representatives shall, by concurrent vote, choose some eligible person from the people of the district wherein such vacancy occurs, to fill that office. If such vacancy shall happen when the legislature is not in session, the governor, with the advice and consent of the council, may fill the same by appointment of some eligible person.

[NOTE.—The Constitution of Massachusetts was agreed upon by delegates of the people, in convention, begun and held at Cambridge, on the first day of September, 1779, and continued by adjournments to the second day of March, 1780, when the convention adjourned to meet on the first Wednesday of the ensuing June. In the meantime the Constitution was submitted to the people, to be adopted by them, provided two-thirds of the votes given should be in the affirmative. When the convention assembled, it was found that the Constitution had been adopted by the requisite number of votes, and the convention accordingly *Resolved*, “That the said Constitution or Frame of Government shall take place on the last Wednesday of October next; and not before, for any purpose, save only for that of making elections, agreeable to this resolution.” The first legislature assembled at Boston, on the twenty-fifth day of October, 1780.

The first nine Articles of Amendment were submitted, by delegates in convention assembled, November 15, 1820, to the people, and by them approved and ratified April 9, 1821.

The tenth Article of Amendment was adopted by the legislatures of the political years 1829–30, and 1830–31, respectively, and was approved and ratified by the people, May 11, 1831.

The eleventh Article of Amendment was adopted by the legislatures of the political years 1832 and 1833, respectively, and was approved and ratified by the people, November 11, 1833.

The twelfth Article of Amendment was adopted by the legislatures of the political years 1835 and 1836, respectively, and was approved and ratified by the people, the fourteenth day of November, 1836.

The thirteenth Article of Amendment was adopted by the legislatures of the political years 1839 and 1840, respectively, and was approved and ratified by the people, the sixth day of April, 1840.

The fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth Articles of Amendment were adopted by the legislatures of the political years 1854 and 1855, respectively, and ratified by the people, the twenty-third day of May, 1855.

The twentieth, twenty-first and twenty-second Articles of Amendment were adopted by the legislatures of the political years 1856 and 1857, respectively, and ratified by the people on the first day of May, 1857.

The twenty-third Article of Amendment was adopted by the legislatures of the political years 1858 and 1859, respectively, and ratified by the people on the ninth day of May, 1859.

The twenty-fourth and twenty-fifth Articles of Amendment were adopted by the legislatures of the political years 1859 and 1860, respectively, and ratified by the people on the seventh day of May, 1860.]

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General Statutes and Special Acts

OF

MASSACHUSETTS,

PASSED

1862.

 The General Court of 1862 assembled in the State House in Boston, on Wednesday, the first day of January, and was prorogued on Wednesday, the thirtieth day of April.

The oaths of office required by the Constitution, were administered to His Excellency JOHN A. ANDREW, on Friday, the third day of January.

ACTS,

GENERAL AND SPECIAL.

AN ACT IN RELATION TO BANKS.

Chap. 1.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:—

SECTION 1. The operation of the fifty-ninth section of the fifty-seventh chapter of the General Statutes is hereby suspended until the first day of April next.

Suspension of specie payment authorized.

SECTION 2. This act shall take effect upon its passage.

Approved January 14, 1862.

AN ACT IN RELATION TO THE TOWN OF SEEKONK.

Chap. 2.

Be it enacted, §c., as follows:

SECTION 1. A municipal district is hereby established by the name and style of East Seekonk, to consist of those portions of the territory of the towns of Seekonk and Pawtucket, which by the fifth and seventh sections of the "Act in relation to the Rhode Island Boundary," approved by the governor on the tenth day of April, in the year one thousand eight hundred and sixty-one, are declared to constitute the town of Seekonk, upon the entry of a final decree by the supreme court of the United States, in the suit pending in said court between the states of Massachusetts and Rhode Island; and the legal voters of the towns of Seekonk and Pawtucket, residing on said territory, and none others, shall be qualified to vote in the affairs of said district.

East Seekonk, district of, established.

Qualification of voters.

SECTION 2. On the petition of three or more of the legal voters of said district, any justice of the peace within the county of Bristol may and shall, by warrant directed to any one of said petitioners, and posted by him at any suitable public place or places in said district, summon the legal voters of said district to meet at any proper place in said district designated in said warrant, in district meeting, five days after the posting of said notice, at which meeting the said

Warden, clerk and treasurer, how chosen.

voters shall elect a warden, a clerk, and a treasurer, by a plurality vote, to have and exercise the powers and duties hereinafter set forth, and to be sworn to the faithful performance of the same. And said meeting may adjourn and meet from time to time, so long as said district shall continue to exist. And in case of the death, absence, or disability of any warden, clerk, or treasurer elected, the district may and shall choose another person to act in his place and stead.

Vacancies to be filled by election.

School districts, East Seekonk, to arrange and adjust claims of in Seekonk.

Warden and selectmen, powers and duties.

SECTION 3. The said municipal district of East Seekonk may provide for the division of the future town of Seekonk into school districts, and for the adjustment of the claims of the several school districts and the tax-payers thereof, as contemplated in the aforesaid "Act in relation to the Rhode Island Boundary;" to which end the warden of said district, together with the selectmen of the present town of Seekonk, shall conjointly have and exercise all the powers, which the selectmen of towns now have, by general law, in the determination of school districts, and shall make and consummate the sales, conveyances, appraisements and remittances of taxes, particularly required by the above-mentioned act.

Records and other corporate property, custody of.

SECTION 4. The selectmen and town clerk of the present town of Seekonk shall forthwith, on demand of the warden or clerk of the district of East Seekonk, place in the custody of said warden or clerk, the town records, muniments of title, and other corporate property other than money or uncollected taxes, which the aforesaid "Act in relation to the Rhode Island Boundary" declares shall be the property of the future town of Seekonk. And it shall be the duty of the said warden and clerk immediately to take possession of such property and hold the same subject to the provisions of this act.

Moneys and funds, questions respecting, how determined.

SECTION 5. The warden of East Seekonk, together with the selectmen of Seekonk, shall conjointly have power to determine all questions, which have arisen or may arise, respecting money in the treasury of or belonging to the present or future town of Seekonk, and all questions regarding funds of the town, general or special, and all town questions whatsoever, occasioned by or depending upon the setting off a part of said town to the State of Rhode Island; and they shall direct and order the immediate collection of all outstanding taxes, and determine what portion of the same, whether school money, highway money, or other, appertains to the future town of Seekonk, and to require such portions to be paid by the treasurer of the present town of Seekonk to the treasurer of the district of East Seekonk; and all expenditures hereafter in and for the present town

Taxes outstanding, collection and disposition of.

Expenditures, how ordered.

of Seekonk shall be made on the joint order of the selectmen of Seekonk and the warden of East Seekonk, and not otherwise.

SECTION 6. The treasurer and collector of the present town of Seekonk shall forthwith prepare in duplicate a certified return of all moneys received by him as such during the current municipal year, and since his last report to the said town, and of the expenditure of the same. Also a certified return of all taxes committed to him for collection and remaining uncollected. And he shall thereupon deliver one copy of said return to the warden and one copy to the treasurer of the district of East Seekonk.

Receipts and expenditures of money, and return of uncollected taxes, reports of, to whom made.

SECTION 7. The treasurer and collector of the present town of Seekonk shall proceed forthwith, by distraint, arrest, or otherwise, according to law, to collect all outstanding taxes due to said town from any person residing or owning taxable property therein, save in the case of any such person, who, by joint act of said selectmen of Seekonk, and said warden of East Seekonk, shall have been declared to be unable by reason of extreme poverty to pay his tax, and whose tax shall by said selectmen and warden have been for such cause abated or released. And all town money now in the hands of the said treasurer of the town of Seekonk, and all which he may hereafter collect, he shall hold and pay according to the joint order of the said selectmen of Seekonk and the said warden of East Seekonk, and thus only, unless otherwise required by lawful process of the courts of the Commonwealth.

Taxes outstanding, to be collected by legal enforcement.

Moneys in treasury of Seekonk, how drawn.

SECTION 8. It shall be lawful for the selectmen of Seekonk, or the warden of East Seekonk, or either of them, immediately on the organization of said district of East Seekonk, to petition the supreme judicial court, or either of the justices thereof, in term time or vacation, to appoint a commissioner, which commissioner shall have power to do and perform all the things proposed by this act to be done by the joint action of the selectmen of Seekonk and the warden of East Seekonk as aforesaid, in case of any disagreement between them as to the execution of the powers and duties devolved upon them by this act, and who shall thereupon proceed to Seekonk, there to discharge his functions; and the report of said commissioner in the premises, made to and accepted by the supreme judicial court, shall be final and conclusive as respects all parties.

Commissioner, upon request of either party, may be appointed by S. J. Court, to adjust differences between selectmen and warden.

SECTION 9. In case of the neglect or refusal of the selectmen, town clerk or treasurer of the present town of Seekonk, or either of them, to do the things herein required, or any of

Failure of officer to perform duties, to authorize S. J. Court to

enforce performance.

them, the supreme judicial court is authorized and required, on application of the warden, clerk or treasurer of East Seekonk, to compel the same to be done; and the said supreme judicial court shall have like authority, on petition of any inhabitant of Seekonk, to enforce the performance of the duties hereby imposed on the warden, clerk and treasurer of the district of East Seekonk.

Orders and decrees requisite, S. J. Court empowered to execute.

SECTION 10. The supreme judicial court is hereby empowered to make and issue all orders and decrees requisite in the premises, and to cause the same to be executed summarily, by injunction, contempt or other lawful process in chancery. And the proceedings before said court, in any case arising under this act, at the relation of any petitioner, shall be in the name of the attorney-general of the Commonwealth, whose duty it shall be to prosecute the same to final decree in the behalf and at the expense of the Commonwealth. And the treasurer of the Commonwealth is empowered to pay all said expenses, as taxed and allowed by the supreme judicial court, including the expenses of the commissioner, on the certificate of the attorney-general.

Proceedings, to be prosecuted by attorney-general.

Expenses to be paid by Commonwealth.

Powers and duties of district officers of East Seekonk.

SECTION 11. It shall be the duty of the warden, clerk and treasurer of East Seekonk, to prepare a voting list of the legal voters of said district, entitled to vote in town meeting, and to correct the same, with the same powers as selectmen in the premises, and to post the same in a suitable public place or places, at least ten days before the first day of next March.

Warden to issue warrant for meeting ten days prior to first day of March.

SECTION 12. The warden of East Seekonk shall, at least ten days prior to the first day of March next, issue his warrant, directed to the clerk of said district or any person therein, requiring him to warn the lawful voters of said district to assemble in town meeting at some suitable place on the said first day of March, for the purpose of organizing the future town of Seekonk as designated by the aforesaid "Act in relation to the Rhode Island Boundary," and the warrant for said meeting shall set forth the objects thereof, to wit, to organize the town, to elect the annual town officers, and to transact any other town business proper or usual to be transacted at annual town meetings which shall have been specified in said warrant by the said warden. Notice of said meeting to be given by posting a copy of the warrant at some suitable public place or places at least five days prior to the said first day of March. And the said warden shall call the meeting to order, and preside over the same until a moderator shall have been chosen, when the meeting shall be deemed and held in law to be a town meeting of the town of Seekonk.

Specifications of warrant.

Warrant to be posted.

Meeting to be deemed a town meeting of town of Seekonk.

SECTION 13. So soon as the proper town officers of the future town of Seekonk shall have been elected and qualified, the district of East Seekonk, created by this act, shall determine and cease; and the warden, clerk and treasurer of East Seekonk shall thereupon deliver up all records, money, or other town property in their hands, respectively, to such proper officers of the said town of Seekonk.

Upon election of officers for town of Seekonk, district to cease, and property of to be delivered to town officers.

SECTION 14. Wherever in the aforesaid "Act in relation to the Rhode Island Boundary," mention occurs of the time of entry of a final decree of the supreme court of the United States, it shall be deemed to intend the time when by the terms thereof said decree takes effect, to wit, the first day of the next March.

Construction of act of 1861 defined.

SECTION 15. The religious society in the town of Seekonk, incorporated on the twenty-third day of June, one thousand seven hundred and ninety-two, by the name of the Congregational Society in the first precinct of Rehoboth, a part of which society is situated on the western side of the boundary line between the states of Massachusetts and Rhode Island, established by the aforesaid decree of the supreme court of the United States, shall nevertheless, be and continue a religious corporation of this Commonwealth, with all the powers and duties of such, according to the provisions of said act and the General Statutes of the Commonwealth.

Congregational Society in first precinct of Rehoboth, location defined.

SECTION 16. This act shall take effect upon its passage.

Approved January 29, 1862.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE ARKWRIGHT
MUTUAL FIRE INSURANCE COMPANY.

Chap. 3.

Be it enacted, &c., as follows:

SECTION 1. The Arkwright Mutual Fire Insurance Company is authorized to insure manufactories, and other buildings containing manufactured goods and materials for manufacturing, and the contents thereof, against loss or damage by fire.

Additional powers granted.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1862.

AN ACT TO AUTHORIZE BANKS TO PAY OUT THE DEMAND NOTES OF
THE UNITED STATES.

Chap. 4.

Be it enacted, &c., as follows:

SECTION 1. The fifty-fifth section of the fifty-seventh chapter of the General Statutes, shall not be construed to prohibit any bank in this Commonwealth from paying out from its counter the demand notes of the United States: *provided*, that nothing in this act shall be construed to

General Statutes, construction of, defined.

Proviso.

authorize banks to extend their loans beyond the limits prescribed by the fifty-seventh chapter of the General Statutes, and section one, chapter two hundred and thirteen of the acts of eighteen hundred and sixty-one.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1862.

Chap. 5. AN ACT ESTABLISHING THE TERMS OF THE PROBATE COURT IN THE COUNTY OF BRISTOL.

Be it enacted, &c., as follows :

SECTION 1. Probate courts for the county of Bristol shall be held at Fall River, on the first Friday of January, April and October, and the second Friday of July; at New Bedford, on the first Friday of February, May, August and November; and at Taunton, on the first Friday of March, June, September and December, of each year.

SECTION 2. All acts and parts of acts establishing other times and places of holding said courts, are hereby repealed.

SECTION 3. This act shall take effect on the first day of April next.

Approved February 8, 1862.

Chap. 6. AN ACT MAKING APPROPRIATIONS FOR THE MILEAGE AND COMPENSATION OF THE OFFICERS AND MEMBERS OF THE LEGISLATURE AT THE PRESENT SESSION THEREOF, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

SECTION 1. The sums hereinafter mentioned, are appropriated, and shall be allowed and paid out of the treasury of this Commonwealth, from the ordinary revenue, upon the warrants of the governor, for the purposes specified, to meet the expenses for the mileage and compensation of the officers and members of the legislature, at the present session thereof, and for other purposes, to wit:

Senators' mileage. For the mileage of senators, a sum not exceeding four hundred dollars.

Compensation. For the compensation of senators, a sum not exceeding two thousand four hundred and eighty dollars.

Representatives' mileage. For the mileage of representatives, a sum not exceeding two thousand three hundred dollars.

Compensation. For the compensation of representatives, a sum not exceeding fourteen thousand eight hundred and eighty dollars.

Door-keepers, messengers, pages, watchmen and firemen. For the compensation of the door-keepers, messengers and pages of the senate and house of representatives, and of such watchmen and firemen as may be employed in the state house, a sum not exceeding twelve hundred and eighty-six dollars and fifty cents.

For mileage and compensation of the lieutenant-governor and council, being deficiency in the appropriation for the year eighteen hundred and sixty-one, the sum of nineteen hundred and forty-two dollars.

Lieut.-Governor and Council—deficiency.

In the resolve, chapter one, of the present year, in favor of William Stowe, the sum of thirty dollars.

William Stowe.

For the compensation of the preacher of the election sermon, one hundred dollars.

Preacher election sermon.

For the transportation of state paupers, to be expended by the alien commissioners, a sum not exceeding eight thousand dollars: *provided*, that the same shall be expended

Transportation of paupers.

only in the transportation of state paupers from the several hospitals and almshouses; and a detailed report of such expenditures shall be rendered to the auditor of the Commonwealth, on the first day of every month.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1862.

AN ACT CONCERNING THE PUBLIC SCHOOLS.

Chap. 7.

Be it enacted, &c., as follows:

Agriculture shall be taught by lectures or otherwise, in all the public schools in which the school committee deem it expedient.

Agriculture, teaching of, authorized.

Approved February 8, 1862.

AN ACT RELATING TO LUNATICS IN THE STATE PRISON.

Chap. 8.

Be it enacted, &c., as follows:

SECTION 1. The commission for the examination of convicts in the state prison, alleged to be insane, provided for in the one hundred and eightieth chapter of the General Statutes, shall hereafter consist of the physician of the state prison, as chairman, the superintendents of the state lunatic hospitals at Worcester and Taunton, together with the superintendents of the McLean asylum at Somerville, and the Boston lunatic hospital.

Commission for examination, how constituted.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1862.

AN ACT RELATING TO THE FORM AND EXECUTION OF CERTAIN WARRANTS.

Chap. 9.

Be it enacted, &c., as follows:

SECTION 1. Warrants issued under section seven of chapter seventy-five, and section eighteen of chapter seventy-six, of the General Statutes, may be directed to, and served by, any officer qualified to serve civil or criminal process in the county in which the warrants issued.

Service defined.

Inconsistent provisions repealed.

SECTION 2. So much of the seventy-fifth and seventy-sixth chapters of the General Statutes, as is inconsistent with the provisions of this act, is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved February 8, 1862.

Chap. 10. AN ACT TO EXTEND THE TIME FOR LOCATING AND CONSTRUCTING THE MILFORD AND WOONSOCKET RAILROAD.

Be it enacted, &c., as follows:

Extension of two years.

SECTION 1. The time for locating and constructing the Milford and Woonsocket Railroad is hereby extended two years.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1862.

Chap. 11. AN ACT TO CHANGE THE NAME OF "THE PROPRIETORS OF THE MEETING-HOUSE IN FEDERAL STREET, IN THE TOWN OF BOSTON."

Be it enacted, &c., as follows:

Arlington Street Church.

SECTION 1. "The Proprietors of the Meeting-house in Federal Street, in the town of Boston," shall hereafter be called and known by the name of The Proprietors of Arlington Street Church.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1862.

Chap. 12. AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE CURRENT YEAR.

Be it enacted, &c., as follows:

Appropriations for salaries and expenditures.

SECTION 1. The sums hereinafter mentioned are appropriated, and shall be allowed and paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to meet the current expenses of the year ending on the thirty-first day of December, eighteen hundred and sixty-two, to wit:

Attorney-general

For the salary of the attorney-general, two hundred and eighty-three dollars, thirty-three cents.

Clerk. For clerk hire in the office of the attorney-general, eighty-three dollars, thirty-three cents.

Secretary.

For the salary of the secretary of the Commonwealth, one hundred and sixty-six dollars, sixty-six cents.

First clerk.

For the salary of the first clerk in the secretary's office, one hundred and twenty-five dollars.

Second clerk.

For the salary of the second clerk in the secretary's office, one hundred and sixteen dollars, sixty-six cents.

Messenger.

For the salary of the messenger in the secretary's office, sixty-six dollars, sixty-six cents.

For such additional clerical assistance as the secretary may find necessary for the performance of the duties of the office, a sum not exceeding eight hundred and twenty-five dollars.

Additional clerks.

For the salary of the treasurer and receiver-general, one hundred and sixty-six dollars, sixty-six cents.

Treasurer and receiver-general.

For the salary of the first clerk in the treasurer's office, one hundred and twenty-five dollars.

First clerk.

For the salary of the second clerk in the treasurer's office, one hundred dollars.

Second clerk.

For incidental expenses of the treasurer's office, a sum not exceeding seventy-five dollars.

Incidentals.

For the salary of the auditor of accounts, one hundred and sixty-six dollars, sixty-six cents.

Auditor.

For the salary of the clerk of the auditor of accounts, one hundred dollars.

Clerk.

For compensation of the persons appointed under authority of chapter fifty-seven of the General Statutes, to countersign circulating notes of the similitude of bank notes, twenty-five dollars; and the same may be paid to the clerk in the auditor's office, in addition to his salary.

Countersigning bank notes.

For such additional clerical assistance as the auditor may find necessary, a sum not exceeding two hundred and fifty dollars.

Additional clerks auditor's office.

For the salaries of the clerks of the senate and house of representatives, including the compensation of such assistants as they may appoint, thirteen hundred and thirty-three dollars, thirty-three cents.

Clerks of Senate and House and assistants.

For fees of witnesses summoned before committees, in accordance with the provisions of the General Statutes, chapter one hundred fifty-seven; of the acts of eighteen hundred and sixty, chapter forty-one; and of the acts of eighteen hundred and sixty-one, chapter one hundred sixty-six, a sum not exceeding eight hundred dollars.

Fees of witnesses before committees.

For compensation of the private secretary of the governor, one hundred and sixteen dollars, sixty-six cents.

Governor's private secretary.

For the compensation of the messenger of the governor and council, sixty-six dollars, sixty-six cents.

Messenger.

For the compensation of the assistant-messenger to the governor and council, thirty-one dollars.

Assistant-messenger.

For the salary of the sergeant-at-arms, one hundred and sixty-six dollars, sixty-six cents.

Sergeant-at-arms.

For the mileage and compensation of the bank commissioners, four hundred and ninety-nine dollars, ninety-eight cents.

Bank commissioners.

- Clerk. For the salary of the clerk of the bank commissioners, one hundred and twenty-five dollars.
- Insurance commissioners. For the compensation and expenses of the board of insurance commissioners, two hundred and fifty dollars.
- Commissioners public lands, clerk. For clerk hire in the office of commissioners on public lands, eighty-three dollars, thirty-three cents.
- Secretary board of agriculture. For the salary of the secretary of the board of agriculture, one hundred and sixty-six dollars, sixty-six cents.
- Adjutant-general. For the salary of the adjutant and quartermaster-general, one hundred and fifty dollars.
- Clerk. For the salary of the clerk of the adjutant-general, one hundred dollars.
- Secretary board of education. For the salary of the secretary of the board of education, one hundred and sixty-six dollars, sixty-six cents, the same to be paid from the income of the school fund.
- Clerk. For the salary of the assistant-librarian and clerk of the secretary of the board of education, one hundred and twenty-five dollars, the same to be paid from the income of the school fund.
- Additional assistance. For additional assistance in the library, in accordance with the fifth chapter of General Statutes, a sum not exceeding sixty-six dollars, sixty-six cents.

SECTION 2. This act shall take effect upon its passage.

Approved February 10, 1862.

Chap. 13. AN ACT TO REDUCE THE CAPITAL STOCK OF THE VILLAGE BANK IN DANVERS.

Be it enacted, &c., as follows :

- Reduction authorized. SECTION 1. The president, directors and company of the Village Bank in Danvers are hereby authorized to reduce their present capital stock, to the sum of one hundred and fifty thousand dollars: *provided, however,* that no dividends of any part of the present capital stock shall be made, nor shall this act be in force, until the bank commissioners shall have certified their opinion, in writing, to the governor and council, that the said corporation has sufficient funds for the payment of all notes, bills, deposits and other demands existing against it, and that, after the payment thereof, the net sum of one hundred and fifty thousand dollars will remain in said bank as capital stock, in funds available for all usual and proper banking purposes.
- Proviso. SECTION 2. No change shall be made in the present number of shares in said capital stock; but new certificates, in shares of seventy-five dollars each, shall be issued to the respective stockholders entitled thereto, upon their surrender of the certificates held by them.
- Shares, number of and par value.

SECTION 3. From and after the time when the said certificate of said commissioners shall have been delivered as aforesaid, all the rights, duties and liabilities of said corporation shall have relation to, and be governed by, said reduced capital of one hundred and fifty thousand dollars; and until the said certificate shall have been made and delivered as aforesaid, the said corporation shall pay into the treasury of the Commonwealth the tax required by law to be paid on the present capital stock of said bank.

Powers, duties and liabilities defined.

SECTION 4. This act shall take effect upon its passage.

Approved February 13, 1862.

AN ACT IN ADDITION TO "AN ACT TO INCORPORATE THE QUINCY RAILROAD COMPANY."

Chap. 14.

Be it enacted, &c., as follows:

SECTION 1. The Quincy Railroad Company is hereby authorized to increase its capital to the amount of one hundred and fifty thousand dollars.

Increase of capital authorized.

SECTION 2. In case of disagreement between said Quincy Railroad Company and the trustees of the Neponset Bridge, as to the mode and terms of crossing said bridge by said company's road, the same shall be fixed and determined by three commissioners, to be appointed by the supreme judicial court, on the application of either party, and to be paid by the parties, as said commissioners shall determine.

Trustees Neponset Bridge, difference with to be determined by commissioners.

SECTION 3. The time for locating and constructing that portion of said company's road, which lies between the town of Quincy and the point of connection with the horse railroad running through Dorchester Avenue, is hereby extended for one year.

Time for construction of portion extended one year.

SECTION 4. All the tracks of said railroad, in said town of Dorchester, shall be constructed upon such reasonable terms, as to filling and excavating upon the streets over which said road may pass, and at such grades, as the selectmen of said town shall determine to be for the public safety and convenience; and said selectmen shall have full power to make such regulations, as to the rate of speed on said tracks, as they shall deem necessary. Said company shall keep in repair and maintain such portion of said streets as shall be used for its tracks.

Construction and rate of speed in Dorchester to be directed by selectmen.

SECTION 5. This act shall take effect upon its passage.

Approved February 13, 1862.

AN ACT IN ADDITION TO "AN ACT FOR THE MORE SPEEDY FILLING OF LANDS IN THE BACK BAY."

Chap. 15.

Be it enacted, &c., as follows:

SECTION 1. The first section of chapter two hundred of the acts of the year eighteen hundred and sixty, entitled

Issue of scrip not to exceed \$250,000.

Time of issue and
form of certifi-
cate.

"An Act for the more speedy filling of Lands in the Back Bay," is hereby so amended, that the whole amount of scrip or certificates of debt, thereby authorized, shall, in no event, exceed the sum of two hundred and fifty thousand dollars; and said scrip or certificates of debt, may be issued, in conformity to the provisions of said act, and, at any time, when needed for the purposes therein indicated, and shall bear date on the first day of the month of May last preceding the issue of said scrip or certificates of debt, and shall be signed by the treasurer, and countersigned by the governor, for the time being.

SECTION 2. This act shall take effect upon its passage.

Approved February 13, 1862.

Chap. 16. AN ACT TO REPEAL CHAPTER SEVENTY OF THE RESOLVES OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-ONE.

Be it enacted, &c., as follows:

Burgwyn, H. K.,
and wife.

The resolve on the petition of Henry King Burgwyn and his wife Anna G. Burgwyn, being chapter seventy of the resolves of the year eighteen hundred and sixty-one, is hereby repealed.

Approved February 14, 1862.

Chap. 17. AN ACT TO REDUCE THE CAPITAL STOCK OF THE BANK OF BRIGHTON.

Be it enacted, &c., as follows:

May reduce to
\$250,000.

SECTION 1. The president, directors and company of the Bank of Brighton, are hereby authorized to reduce their present capital stock to the sum of two hundred thousand dollars: *provided, however,* that no dividends of any part of the present capital stock shall be made, nor shall this act be in force, until the bank commissioners shall have certified their opinion in writing to the governor and council, that the said corporation has sufficient funds for the payment of all notes, bills, deposits and other demands existing against it, and that after the payment thereof, the net sum of two hundred thousand dollars will remain in said bank as capital stock, in funds available for all usual and proper banking purposes.

Proviso.

Shares, number
of, and par value.

SECTION 2. No change shall be made in the present number of shares in said capital stock; but new certificates, in shares of eighty dollars each, shall be issued to the respective stockholders entitled thereto, upon their surrender of the certificates held by them.

Powers, duties
and liabilities de-
fined.

SECTION 3. From and after the time when the said certificate of said commissioners shall have been delivered as afore-
said, all the rights, duties and liabilities of said corporation

shall have relation to, and be governed by said reduced capital of two hundred thousand dollars; and until the said certificate shall have been made and delivered, as aforesaid, the said corporation shall pay into the treasury of the Commonwealth, the tax required by law to be paid on the present capital stock of said bank.

SECTION 4. This act shall take effect upon its passage.

Approved February 14, 1862.

AN ACT TO INCORPORATE THE CONFERENCE OF BAPTIST MINISTERS
IN MASSACHUSETTS.

Chap. 18.

Be it enacted, &c., as follows:

SECTION 1. Andrew Pollard, Jonathan Tilson, S. S. Parker, Baron Stow, George B. Ide, Horatio B. Hackett, John N. Murdock, Arthur S. Train, Lemuel Porter, Daniel C. Eddy, Erastus Andrews, Addison Parker, William Lamson, John Girdwood, Kendall Brooks, Lemuel Moss, John Allen, Timothy C. Tingley, John Blain, William C. Richards, Peter B. Haughwort, Albert N. Arnold, J. H. Tilton, Edgar H. Gray, John Shepardson, their associates and successors, are hereby made a corporation by the name of The Conference of Baptist Ministers in Massachusetts, for the purpose of relieving aged and disabled Baptist ministers who are indigent: with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes.

Corporators.

Title and purpose.

Privileges and restrictions.

SECTION 2. Said corporation may, for the purposes aforesaid, hold real and personal estate to an amount not exceeding seventy-five thousand dollars.

Real and personal estate.

Approved February 14, 1862.

AN ACT AUTHORIZING THE CONSTRUCTION OF A BRIDGE ACROSS
CHILDS' RIVER, IN THE TOWN OF FALMOUTH.

Chap. 19.

Be it enacted, &c., as follows:

The county commissioners of the county of Barnstable are hereby authorized and empowered to locate and construct, or cause to be located and constructed, a bridge over a certain tide-water called Childs' River, in the town of Falmouth, at or near White's landing, so called, of such construction as said commissioners may adjudge to be in accordance with the wants and necessities of the citizens of Falmouth, and others.

County commissioners to direct.

Location and construction.

Approved February 14, 1862.

AN ACT CONCERNING DECLARATIONS IN WRITS RETURNABLE BEFORE
JUSTICES OF THE PEACE AND POLICE COURTS.

Chap. 20.

Be it enacted, &c., as follows:

SECTION 1. In actions of contract and actions of tort, before justices of the peace and police courts, unless an

Action of contract and tort, declarations in

may be omitted, unless, &c.

arrest of the person is made, the writ need not contain a declaration, nor any description of the cause of action in which it is intended to declare, other than the name of the form thereof.

Declaration to be filed.

SECTION 2. When the declaration is not inserted in the writ, it shall be filed with the writ when the same is entered.

Defendant, on attachment of property, when entitled to papers.

If an attachment of property is made, the declaration and bill of particulars, when necessary, shall be furnished the defendant or his attorney within three days after he shall have demanded the same of the plaintiff or his attorney.

Omission of declaration, to authorize continuance.

SECTION 3. When the declaration is not inserted before the service of the writ, the defendant shall be entitled as of right, upon motion made by himself or his attorney, to a continuance of the action, at least seven days from the return day of the writ.

Approved February 14, 1862.

Chap. 21.

AN ACT AMENDING THE STATUTES RELATING TO HABITUAL TRUANTS.

Be it enacted, &c., as follows :

Fourth section, forty-second chapter, G. S.

SECTION 1. The fourth section of the forty-second chapter of the General Statutes is hereby amended by striking out the word "may," and inserting instead thereof, the word "shall."

Fifth section.

SECTION 2. The fifth section of the same chapter is hereby amended, by striking out the words, "availing themselves of the provisions of the preceding section."

Approved February 14, 1862.

Chap. 22.

AN ACT TO AUTHORIZE THE TRUSTEES OF THE METHODIST EPISCOPAL SOCIETY IN IPSWICH, TO SELL THEIR OLD MEETING-HOUSE.

Be it enacted, &c., as follows :

Sale authorized.

SECTION 1. The trustees of the Methodist Episcopal Society in Ipswich are hereby authorized to sell, at public auction, the building formerly used and occupied by said society as a house of worship, in said town, and to appropriate the proceeds of said sale :

Proceeds, use of defined.

First—To the payment of any debt or liability now due, and subsisting on account of said building ;

Second—To the expenses of the sale ; and Third, to the owners of pews in said building, on demand, in accordance with the existing appraisal thereof. Such payment shall be in full compensation for such pew or pews, to the owner or owners thereof.

SECTION 2. This act shall take effect upon its passage.

Approved February 14, 1862.

AN ACT TO INCORPORATE THE TRUSTEES OF THE HORTON FUND OF
THE SECOND PRESBYTERIAN SOCIETY IN NEWBURYPORT. *Chap. 23.*

Be it enacted, &c., as follows :

SECTION 1. William Horton, Edward Burrill, Solomon Haskell, Nathaniel M. Horton, their associates and successors in office, for the time being, are hereby made a corporation, by the name of the Trustees of the Horton Fund, of the Second Presbyterian Society in Newburyport, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, of associations for religious purposes, set forth in chapters thirty-two and sixty-eight of the General Statutes, for the purpose of holding property in trust, for the support of preaching the gospel in said society, agreeably to the provisions of the deed of trust, dated October twelfth, eighteen hundred and sixty-one, by which said trust funds have been provided ; which deed, for preservation of evidence of its contents, may be recorded in the registry of deeds for the county of Essex.

Corporators.

Title.

Privileges and restrictions.

Purpose.

SECTION 2. Said corporation may make such by-laws as are not inconsistent with the laws of this Commonwealth, for its government and for admission of associates, agreeably to the provisions of the said deed. *Approved February 14, 1862.*

By-laws.

AN ACT TO PROVIDE FOR UNIFORM MODES OF ASCERTAINING THE
AMOUNT OF PREMIUM CROPS. *Chap. 24.*

Be it enacted, &c., as follows :

SECTION 1. The state board of agriculture shall have authority to prescribe rules and regulations to incorporated agricultural societies, for uniform modes of ascertaining the amount of product of crops entered for premium.

Board of agriculture may prescribe rules.

SECTION 2. The fifteenth section of the sixty-sixth chapter of the General Statutes is hereby repealed.

Repeal.

Approved February 14, 1862.

AN ACT IN RELATION TO THE CITY OF FALL RIVER.

Chap. 25.

Be it enacted, &c., as follows :

SECTION 1. The town property of the heretofore town of Fall River, in the state of Rhode Island, shall be deemed and held, on and after the first day of March next, to be property of the city of Fall River, and the legal debts of said town to be the debts of said city : *provided*, that if said town of Fall River shall, before said first day of March, have determined, in town meeting duly called, to sell said town property, other than town records, and to pay all the debts of said town, and shall actually have sold said property, and paid said debts, then, neither the property nor the debts shall devolve on said city ; and *provided, further*, that it

Town of Fall River, in R. I., annexed to city of Fall River, in Massachusetts.

Provisos.

shall be lawful for such of the inhabitants of the town of Fall River as reside in territory declared by the "Act in relation to the Rhode Island Boundary," of the tenth day of April, eighteen hundred and sixty-one, to be part of the town of Westport, to demand of the said city of Fall River, in case the town property of said town of Fall River becomes devolved on said city, indemnity for their proportion of interest in said property, and to receive the same on their paying to said city their proportion of the debts of said town of Fall River.

City council to take measures to ensure transfer of records and other property of town.

Duty of town officers.

Evidences of conveyance and titles of real estate to be deposited with register of deeds for northern district in Bristol county.

Of personal estate with city clerk of Fall River.

Records of probate matters, with register of probate.

In case of default, delivery to be enforced.

School districts of said town to be deemed as such in Mass.

Powers and duties as other districts.

SECTION 2. It shall be the duty of the city council of the city of Fall River, on or before the first day of March next, to take measures in order, on that day, to demand and receive from the town officers of the heretofore town of Fall River, in Rhode Island, or from any other persons, the town records, muniments of title, town papers, and all other corporate property of said town, except such, if any, as the said town may have lawfully sold before the said first day of March next, as herein before provided: and it shall be the duty of all such town officers or other persons, on demand, to deliver the same to the proper city officers as designated by said city council.

SECTION 3. It shall be the duty of the respective town officers of the said heretofore town of Fall River, or other persons in possession, to proceed, on the first day of March next, to deposit all records, files, and other evidences of conveyances and titles of real estate, in the custody of the register of deeds for the northern district of the county of Bristol; and to deposit all records, files, and other evidences of conveyances or titles of personal estate, in the custody of the city clerk of said city of Fall River; and to deposit all records of probate of wills, settlement of estates, and other probate matters, including original papers, in the registry of probate of said county of Bristol: and, in default thereof, it shall be the duty of the said city clerk, register of deeds, and register of probate, respectively, to demand and enforce the delivery of the same.

SECTION 4. The school districts of said town of Fall River, as constituted by authority of the state of Rhode Island, except that part of the same which is annexed to the town of Westport, by the "Act in relation to the Rhode Island Boundary," shall be deemed and taken as such within the Commonwealth of Massachusetts, until changed or reconstituted under the laws thereof; and said school districts shall have all the powers, and be subject to all the duties of school districts, and shall continue to hold and manage their

school property, as fully and to the same intents, as if originally constituted under, and in virtue of, the laws of this Commonwealth: *provided*, that the inhabitants of such part of the first school district of said town as by the aforesaid "Act in relation to the Rhode Island Boundary," was declared to be part of the town of Westport, shall be entitled to demand of said first school district, indemnity for their interest in the school property, on paying to said district their proportion of the debts thereof. And any clerk, trustee, or treasurer of either of said districts shall have power, and it shall be their duty, on, or soon after, the first day of March next, to call a meeting of the legal voters thereof to reorganize the said districts respectively, according to the laws of Massachusetts.

Proviso—first district.

Reorganization of districts, duty of officers.

SECTION 5. In case of disagreement between the city of Fall River and the inhabitants of said town of Fall River, or the inhabitants of so much of the same as becomes part of the town of Westport, or between the first school district of said town and the part of it annexed to the seventeenth school district of Westport, by said "Act in relation to the Rhode Island Boundary," as to division of property or debts, or division of paupers, or as to taxes or obligations, or as to any matters consequent on change of jurisdiction by said act, the superior court for the county of Bristol is hereby authorized and required, on application of either of said parties, to appoint three disinterested persons to hear said parties, and award thereon; which award, when accepted by the court, shall be final and conclusive of said matters.

Disagreement as to any matter between said city and town or first district, commissioners to be appointed by S. C. to determine.

SECTION 6. The ward officers of the several wards of the city of Fall River shall be deemed and held as such to all lawful intents, in the respective wards of said city bearing the numbers of the wards severally in and for which said ward officers were elected, until the first Monday of January next, or until others are lawfully elected in their places.

Ward officers of city of Fall River confirmed as such.

SECTION 7. This act shall take effect upon its passage.

Approved February 15, 1862.

AN ACT REQUIRING THE RETURN OF AMOUNT PAID FOR ASSESSING AND COLLECTING TAXES IN THE COMMONWEALTH, IN THE YEAR EIGHTEEN HUNDRED AND SIXTY-ONE.

Chap. 26.

Be it enacted, §c., as follows:

SECTION 1. The clerks of the several cities and towns in the Commonwealth shall, immediately after being notified of the passage of this act, return to the secretary of the Commonwealth, a true and certified statement of the amount paid during the year eighteen hundred and sixty-one, for

Town and city clerks to return, upon notice, to secretary.

assessing and collecting taxes in their respective cities and towns.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1862.

Chap. 27. AN ACT TO INCORPORATE THE BOSTON UNION RELIEF SOCIETY.
Be it enacted, &c., as follows :

Corporators. SECTION 1. James M. Phipps, James B. Libbey, Thomas Britten and James Knott, their associates and successors, are hereby made a corporation, by the name of the Boston Union Relief Society, the object of which is to afford assistance to the members of said society and their families, in cases of sickness and death, and of raising and holding a fund for said purposes.

Title.
Purpose.
Real and personal estate. SECTION 2. The said corporation may hold real and personal estate to an amount not exceeding twenty thousand dollars, no part of which shall be exempt from taxation.

SECTION 3. This act shall take effect upon its passage.

Approved February 18, 1862.

Chap. 28. AN ACT CONCERNING CATTLE COMMISSIONERS.
Be it enacted, &c., as follows :

Governor may appoint and terminate commissions. SECTION 1. The governor, with the advice and consent of the council, shall have power to appoint a board of cattle commissioners, of not more than three members, whenever in his judgment the public safety may require ; and may terminate their commissions, whenever in his judgment the public safety may permit : *provided*, that the compensation of said commissioners shall not exceed four dollars per day, for actual service, in addition to their travelling expenses necessarily incurred.

Proviso—compensation.
Powers and duties. SECTION 2. The powers and duties of the commissioners shall be such as are set forth in chapter two hundred and twenty-one of the acts of the year eighteen hundred and sixty.

Commissions under acts of 1860 abolished. SECTION 3. All commissions and appointments made under chapters one hundred and ninety-two and two hundred and twenty-one of the acts of the year eighteen hundred and sixty, are hereby abolished.

SECTION 4. This act shall take effect upon its passage.

Approved February 18, 1862.

Chap. 29. AN ACT IN RELATION TO THE NANTUCKET AND MIDDLESEX NORTH AGRICULTURAL SOCIETIES.

Be it enacted, &c., as follows :

Annual fairs, time for holding prescribed. The Nantucket Agricultural Society shall hereafter commence its annual fair on the last Tuesday in September.

The Middlesex North Agricultural Society shall hereafter commence its annual fair on the last Thursday in September.

Approved February 18, 1862.

AN ACT AUTHORIZING THE MEMBERS OF THE "NEW NORTH RELIGIOUS SOCIETY IN THE TOWN OF BOSTON," TO SELL REAL ESTATE.

Chap. 30.

Be it enacted, &c., as follows:

The members of the "New North Religious Society in the town of Boston," are hereby authorized to sell and convey by deed, free from, and discharged of, all and every trust, their land and meeting-house situate on Hanover Street, in the city of Boston, and to use the proceeds of such sale, after paying the debts of said society, in any manner hereafter authorized by a vote of three-fourths of the members of said society, at a meeting legally notified and called for that purpose.

Sale and appropriation of proceeds authorized.

Approved February 21, 1862.

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF SOUTHAMPTON AND EASTHAMPTON.

Chap. 31.

Be it enacted, &c., as follows:

The dividing line between the towns of Southampton and Easthampton, so far as the same lies between the old Westfield road, so called, and a point near the north-west corner of the town of Southampton, shall be, and the same is, hereby established as follows: commencing on the east bank of the west branch of the Manhan River, in the present line between said towns, (the monument indicating said point to be placed directly opposite on the west bank of said river, on account of the condition of the banks of the stream,) thence down said river on the east side to its junction with the south branch of said river; thence crossing at said junction, to the east side of said south branch; thence up said river on the east side about two hundred and forty rods to a monument erected on land now owned by Solomon A. Wolcott; thence south forty degrees and one-quarter east, four hundred and eighteen rods, to a monument on the line between said towns at the old Westfield road, so called.

Dividing line defined.

Approved February 21, 1862.

AN ACT TO EXTEND THE TIME FOR CONSTRUCTING THE ROAD OF THE SALEM AND SOUTH DANVERS RAILROAD COMPANY, AND TO INCREASE ITS CAPITAL STOCK.

Chap. 32.

Be it enacted, &c., as follows:

SECTION 1. The time allowed the Salem and South Danvers Railroad Company to construct its road, is hereby extended two years beyond the time allowed by its act of incorporation.

Time extended two years.

Increase of capital authorized.

SECTION 2. Said corporation is hereby authorized to increase its capital stock, by adding thereto a sum not exceeding twenty-five thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved February 24, 1862.

Chap. 33. AN ACT IN ADDITION TO AN ACT REGULATING THE TOLLS AT THE DARTMOUTH BRIDGE.

Be it enacted, &c., as follows :

Act of 1844, construction of defined.

Nothing contained in the act regulating the rates of toll at the Dartmouth Bridge, chapter eighty-five of the acts of the year eighteen hundred and forty-four, shall be construed to prohibit the taking of tolls at lower rates than prescribed in said act, and upon any terms that shall be deemed by the directors to be for the benefit of the public and of the Dartmouth Bridge Company.

Approved February 25, 1862.

Chap. 34. AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE CITY OF CAMBRIDGE AND THE TOWNS OF WEST CAMBRIDGE AND BELMONT.

Be it enacted, &c., as follows :

Cambridge and Belmont, dividing line defined.

SECTION 1. The dividing line between the city of Cambridge and the town of Belmont is hereby altered, and established as follows, to wit: Beginning at the outlet of Fresh Pond, in Alewife Brook, thence following said brook to a point therein, which point is distant from said outlet about four hundred and ninety feet in a straight line, run as the magnetic needle now points, north, six degrees and thirty minutes west; thence following the new channel of said brook, north, seven degrees and forty minutes east, one thousand seven hundred and nineteen feet; thence following said new channel, north, ten degrees and fifteen minutes east, five hundred and eighty-one feet; thence following said new channel, north, thirty-four degrees and seventeen minutes east, four hundred and seventy-eight feet; thence following said new channel, north, twenty-eight degrees and twenty-four minutes east, about three hundred and thirty-nine feet, to the easterly side of the Lexington and West Cambridge Branch Railroad; thence north-westerly, about one hundred and thirty feet, to the junction of Little River with said Alewife Brook, at the present boundary line between West Cambridge and Belmont. That part of Cambridge which lies westerly and north-westerly of the above described line, is hereby annexed and shall belong to the town of Belmont; and that part of Belmont which lies easterly and south-easterly of the above described line, is hereby annexed and shall belong to the city of Cambridge.

Annexation of parts of each to other.

SECTION 2. The dividing line between the city of Cambridge and the town of West Cambridge, is hereby altered, and established as follows, to wit: Beginning at a point in the new channel of Alewife Brook on the easterly side of the Lexington and West Cambridge Branch Railroad, which point is the north-easterly bound of the town of Belmont, as established by the preceding section; thence north, twenty-eight degrees and twenty-four minutes east, about one hundred and seventy-five feet to a point in the new channel of said brook; thence north, fifty-five degrees and forty-two minutes east, five hundred and ninety-eight feet to a point in said new channel; thence north, forty-seven degrees and twenty minutes east, three hundred and sixty-nine feet, to a point in said brook; thence north, seventy-one degrees and thirty-nine minutes east, three hundred and fifty-nine feet to a point in said brook; thence following said brook, south, eighty-two degrees and thirty-nine minutes east, four hundred and thirty-six feet to a point in said brook; thence following said new channel, north, sixty-five degrees and forty-one minutes east, five hundred feet to the south-westerly line of North Avenue; thence following said brook, in the most direct channel, to the point where the dividing line between Cambridge and Somerville intersects the boundary line between West Cambridge and Somerville. That part of Cambridge which lies north-westerly and northerly of the above described line, is hereby annexed and shall belong to the town of West Cambridge; and that part of West Cambridge which lies south-easterly and southerly of the above described line, is hereby annexed and shall belong to the city of Cambridge.

Cambridge and West Cambridge, line between defined.

Annexation of parts of each to other.

SECTION 3. Nothing contained in this act shall affect the rights and privileges of the inhabitants of said city of Cambridge and said towns of Belmont and West Cambridge, in said Alewife Brook, and their regulation and control of the fisheries therein.

Rights of citizens and control of fisheries, act not to affect.

SECTION 4. This act shall take effect upon its passage.

Approved February 25, 1862.

AN ACT RELATING TO COMMISSIONERS ON SHADE TREES AND PUBLIC GROUNDS IN THE CITY OF WORCESTER.

Chap. 35.

Be it enacted, &c., as follows:

SECTION 1. The city council of Worcester is hereby authorized to elect, by joint ballot, in convention, a board of three commissioners, to hold office, one for the term of three years, one for the term of two years, and one for the term of one year; and after the first election, one member thereof shall be elected each and every year, in the month

Election and tenure of office of commissioners.

General powers and duties.

of January, to hold office for the term of three years, who shall have the sole care, superintendence and management of the public grounds belonging to said city of Worcester, and of all the shade and ornamental trees standing and growing thereon, and also of all the shade and ornamental trees standing and growing in or upon any of the public streets and highways of said city; but said board, or any member thereof, after having had an opportunity to be heard in his or their defence, may be removed at any time, by a concurrent vote of two-thirds of each branch of the city council; and in case of a vacancy in said board of commissioners, by death, resignation, removal or otherwise, such vacancy shall be filled by the choice of another commissioner, in the manner aforesaid, who shall hold his office for the remainder of the term for which the member in whose place he shall be elected would have held the same. Said board may be organized by the choice of a chairman and secretary from their own number, and a major part of said board shall constitute a quorum for the transaction of business.

May be removed after hearing, and successors chosen.

Organization and quorum.

May lay out grounds, construct paths, and plant and preserve trees.

SECTION 2. The said board of commissioners shall lay out said public grounds or such part thereof as they shall from time to time judge proper; and it shall be the duty of said commissioners, from time to time, as appropriations shall be made therefor by the city council, to cause all necessary paths and avenues to be constructed therein, and to cause said public grounds to be planted and embellished with trees, as they shall think proper; and said commissioners shall also cause such shade and ornamental trees to be planted in and upon said public streets and highways in said city as they shall think proper, and as appropriations shall be made therefor by the city council, and shall adopt and use all necessary and proper means to preserve the same, and promote the growth thereof. And said board may make all necessary by-laws and regulations in the execution of their trust, not inconsistent with this act, and the laws of the Commonwealth, as they shall deem expedient.

May make by-laws.

Reports, annual and occasional.

SECTION 3. Said board of commissioners shall, annually, in the month of January, and whenever required by the city council, make and render a report of all their acts and doings, and of the condition of the public grounds and shade and ornamental trees thereon, and on said streets and highways, and an account of receipts and expenditures for the same.

Mayor and aldermen to submit question of acceptance of act to voters.

SECTION 4. The mayor and aldermen of said city shall insert in the warrant for the next annual meeting for the election of state officers, an article requesting the legal voters of said city in their respective wards, to give in their written

votes upon the question whether they will accept this act, and if a majority of the votes given upon said question shall be in the negative, then this act shall be null and void.

Approved February 25, 1862.

AN ACT RELATING TO COSTS IN CIVIL ACTIONS.

Be it enacted, &c., as follows:

SECTION 1. In all actions relating to easements, and in all others in which the title to real estate may be concerned, the party finally prevailing shall recover his full costs, without regard to the amount of damages recovered: *provided*, the right to the easement or the title to real estate shall in fact be concerned in the particular case, and the judge before whom the cause is tried shall certify such to be the fact.

Prevailing party to recover full costs in certain cases.

Proviso.

SECTION 2. No action commenced before this act takes effect, shall be affected by its provisions.

Application.

Approved February 25, 1862.

Chap. 36.

AN ACT TO AUTHORIZE THE TOWN OF MALDEN TO MAINTAIN A BRIDGE.

Be it enacted, &c., as follows:

SECTION 1. The Edgeworth Company, incorporated by an act passed May first, eighteen hundred and forty-nine, is hereby authorized to transfer to the town of Malden all its rights to construct and maintain a bridge over Malden Creek, with all the privileges and restrictions pertaining thereto, as specified in section second of said act: *provided*, this act shall in no manner affect any suit, or the legal rights of any parties against the inhabitants of said Malden, or said Edgeworth Company.

Transfer of rights by Edgeworth Company authorized.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved February 25, 1862.

Chap. 37.

AN ACT TO INCORPORATE THE PNEUMATIC DRILL COMPANY.

Be it enacted, &c., as follows:

SECTION 1. Herman Haupt, Stuart Gwynn, Edward Hamilton, their associates and successors, are hereby made a corporation, by the name of the "Pneumatic Drill Company," for the purpose of manufacturing and dealing in a patented Pneumatic Drilling Engine, invented by Stuart Gwynn and others; and also for the purpose of purchasing, holding and selling rights under said patent, to manufacture and use said machines.

Corporators.

Title.

Purpose.

SECTION 2. Said company shall be located in the county of Suffolk, shall have a capital stock not exceeding two hundred and fifty thousand dollars, and shall be subject to

Location.

Capital stock.

Chap. 38.

Privileges and restrictions.

all the duties, restrictions and liabilities, and possess all the powers and privileges, set forth in the sixtieth and sixty-eighth chapters of the General Statutes.

SECTION 3. This act shall take effect upon its passage.

Approved February 26, 1862.

Chap. 39. AN ACT TO CONFIRM CERTAIN ACTS DONE BY ALFRED W. PAUL, AS JUSTICE OF THE PEACE.

Be it enacted, &c., as follows :

Acts made valid.

SECTION 1. All acts done by Alfred W. Paul, of Dighton, in the county of Bristol, as a justice of the peace within and for said county of Bristol, between the twenty-first day of April, in the year eighteen hundred and fifty-six, and the twenty-third day of December, in the year eighteen hundred and sixty-one, are hereby made valid and confirmed, to the same extent as they would have been valid had he been, during that interval, duly qualified to discharge the duties of said office.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1862.

Chap. 40. AN ACT RELATING TO PROCEEDINGS IN EQUITY.

Be it enacted, &c., as follows :

Interrogatories may be filed in same manner as in civil actions under chap. 129, General Statutes.

SECTION 1. In suits in equity, the complainant and the respondent may at any time after the filing of the answer, file in the clerk's office interrogatories for the discovery of facts and documents material to the support or defence of the suit, to be answered on oath by the adverse party, in the same manner, and subject to the same restrictions and regulations as are now provided by chapter one hundred and twenty-nine of the General Statutes with reference to interrogatories in civil actions.

Neglect to amend or answer to effect dismissal or other decree required.

SECTION 2. If a party neglects or refuses to expunge, amend or answer according to the requisitions of chapter one hundred and twenty-nine of the General Statutes, the bill shall be dismissed or taken as confessed, or such other order or decree may be entered as the case may require.

Approved February 28, 1862.

Chap. 41. AN ACT TO CHANGE THE NAME OF THE ASSOCIATE REFORMED PRESBYTERIAN CHURCH IN FALL RIVER.

Be it enacted, &c., as follows :

The Associate Reformed Presbyterian Church in Fall River, shall hereafter be called and known by the name of the United Presbyterian Church in Fall River.

Approved February 28, 1862.

AN ACT IN RELATION TO THE FALL RIVER UNION BANK.

Chap. 42.

Be it enacted, &c., as follows :

SECTION 1. The present board of directors of the Fall River Union Bank, a banking corporation located in the town of Fall River, Rhode Island, which on the first day of March, in the year one thousand eight hundred and sixty-two, will become a part of the territory of this Commonwealth, may continue in office till the next annual election of directors, notwithstanding certain members thereof may be citizens of, and residents in, the state of Rhode Island ; and the said bank is authorized hereafter to choose two of its directors, citizens of and residents in said state.

Directors, present board of may continue until next annual election.

Two residents of R. I. may be chosen hereafter.

SECTION 2. This act shall take effect on the first day of March, in the year one thousand eight hundred and sixty-two.

Act, when to take effect.

Approved February 28, 1862.

AN ACT MAKING APPROPRIATIONS FROM THE MOIETY OF THE INCOME OF THE SCHOOL FUND APPLICABLE TO EDUCATIONAL PURPOSES.

Chap. 43

Be it enacted, &c., as follows :

SECTION 1. The sums hereinafter mentioned in this section are appropriated and shall be allowed and paid out of the moiety of the income of the school fund applicable to educational purposes, for the year one thousand eight hundred and sixty-two:

Appropriations authorized.

For the support of the four state normal schools, for the current year, under the direction of the board of education, the sum of sixteen thousand dollars.

Normal schools.

For the Massachusetts Teachers' Association, the sum of six hundred dollars, on condition that said association shall furnish a copy of the Massachusetts Teacher to each school committee in the several cities and towns of the Commonwealth, during the year eighteen hundred and sixty-two, and furnish satisfactory evidence thereof to the auditor of the Commonwealth.

Teachers' association—conditional.

For the American Institute of Instruction, the sum of three hundred dollars, to be paid to the president or treasurer of said institute in the month of August next.

American Institute of Instruction.

For postage, printing, advertising, stationery, meteorological observations, and all other incidental expenses of the board of education, or of the secretary thereof, and also for any contingent expenses of the normal schools, not otherwise herein provided for, a sum not exceeding fifty-six hundred dollars.

Printing, stationery, and incidentals.

For the salary of the secretary of the board of education, eighteen hundred and thirty-three dollars and thirty-four cents.

Secretary board education.

Agents board of education.	For the support of one or more agents of the board of education, in accordance with chapter thirty-four, section nine, of the General Statutes, a sum not exceeding twenty-five hundred dollars.
Teachers' institutes.	For teachers' institutes, in accordance with chapter thirty-five, section two, of the General Statutes, the sum of twenty-eight hundred dollars.
State scholar-ships.	For the support of state scholarships, in accordance with chapter thirty-seven of the General Statutes, the sum of forty-eight hundred dollars.
Aid of pupils in normal schools.	For aid to pupils in the state normal schools, in accordance with the resolves of the year eighteen hundred and fifty-three, chapter sixty-two, a sum not exceeding four thousand dollars.
Expenses secretary board of education.	For the expenses of the secretary of the board of education, in accordance with chapter thirty-four, section eight, of the General Statutes, a sum not exceeding four hundred dollars.
Of members of board.	For the expenses of the members of the board of education, in accordance with the provisions of chapter thirty-four, section ten, of the General Statutes, a sum not exceeding two hundred dollars.
Indian schools.	For the support of certain Indian schools, in accordance with the provisions of chapter thirty-six, section five, the sum of four hundred and five dollars.
County associations of teachers.	For county associations of teachers, in accordance with chapter thirty-five, section four, of the General Statutes, a sum not exceeding six hundred dollars.
Normal school-house, repairs.	For repairs made on the Westfield normal school-house, five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1862.

Chap. 44. AN ACT TO INCORPORATE THE MASSACHUSETTS COLONIZATION SOCIETY.

Be it enacted, &c., as follows:

Corporators.	SECTION 1. William Ropes, B. C. Clark, Albert Fearing, Abraham R. Thompson, G. W. Blagden, James C. Dunn and Ezra S. Gannett, their associates and successors, are hereby made a corporation by the name of the Massachusetts Colonization Society, the object of which shall be to colonize on the coast of Africa, free people of color with their own consent; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes.
Title.	
Purpose.	
Privileges.	

SECTION 2. The said corporation may hold real and personal estate to an amount not exceeding three hundred thousand dollars. May hold estate.

SECTION 3. This act shall take effect upon its passage.

Approved February 28, 1862.

AN ACT TO REDUCE THE CAPITAL STOCK OF THE CENTRAL BANK IN WORCESTER. Chap. 45.

Be it enacted, &c., as follows :

SECTION 1. The president, directors and company of the Central Bank in Worcester, are hereby authorized to reduce their present capital stock to the sum of two hundred and fifty thousand dollars : *provided, however*, that no dividends of any part of the present capital stock of said bank shall be made, nor shall this act be in force, until the bank commissioners shall have certified their opinion, in writing, to the governor and council, that the said corporation has sufficient funds for the payment of all notes, bills, deposits and other demands existing against it, and that, after the payment thereof, the net sum of two hundred and fifty thousand dollars will remain in said bank as capital stock, in funds available for all usual and proper banking purposes.

Reduction authorized.

Proviso.

SECTION 2. To reduce said capital stock as aforesaid, the said corporation may purchase and extinguish so many shares therein, as may be necessary, so that each of the remaining shares shall be of the par value of one hundred dollars.

Shares, number of and par value.

SECTION 3. Upon the delivery of said certificate by said commissioners, as aforesaid, all the rights, duties and liabilities of said corporation shall have relation to, and be governed by, said reduced capital of two hundred and fifty thousand dollars ; and until the delivery of such certificate, the said corporation shall pay into the treasury of the Commonwealth, the tax required by law to be paid on the present capital stock of said bank.

Powers, duties and liabilities defined.

SECTION 4. This act shall take effect upon its passage.

Approved February 28, 1862.

AN ACT IN RELATION TO THE POCASSET BANK.

Chap. 46.

Be it enacted, &c., as follows :

SECTION 1. The present board of directors of the Pocasset Bank, a banking corporation located in the town of Fall River, Rhode Island, which, on the first day of March, in the year one thousand eight hundred and sixty-two, will become a part of the territory of this Commonwealth, may continue in office till the next annual election of directors,

Present board of directors may continue until next annual election.

Two residents of R. I. may be chosen hereafter. notwithstanding two members thereof may be citizens of, and residents in the state of Rhode Island; and the said bank is authorized hereafter to choose two of its directors, citizens of, and residents in, said state.

Act when to take effect. SECTION 2. This act shall take effect on the first day of March, in the year one thousand eight hundred and sixty-two.

Approved February 28, 1862.

Chap. 47. AN ACT TO PROHIBIT SEINING NEAR THE OUTLET OF LAGOON POND, IN DUKES COUNTY.

Be it enacted, &c., as follows:

Rights of company defined. SECTION 1. No person shall set, draw or use any seine for taking fish within fifty rods of the dike, creek or outlet, of Lagoon Pond, in Dukes County, without first obtaining permission to do so, from the Lagoon Pond Company, in Dukes County.

Penalty for violation. SECTION 2. Any person violating this act, shall, on conviction, pay a fine of twenty dollars, to be recovered before any court competent to try the same, for the use of said company.

SECTION 3. This act shall take effect upon its passage.

Approved February 28, 1862.

Chap. 48. AN ACT FOR THE REGULATION OF SUITS AT LAW AFFECTED BY THE ESTABLISHMENT OF THE BOUNDARY LINE BETWEEN THE STATES OF MASSACHUSETTS AND RHODE ISLAND, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Suits in law or equity depending in the courts March first, in Massachusetts, to continue, notwithstanding residence of parties. SECTION 1. All civil actions, suits and other cases in law or equity, of whatsoever name or nature, depending in any of the courts of this Commonwealth on the first day of March next hereafter, may continue and be prosecuted to final judgment or decree therein, subject to the conditions and limitations hereinafter provided, notwithstanding that the subject-matter shall exist, or both or either of the parties reside or be, in the territory, which, in virtue of a decree of the supreme court of the United States, entered December sixteenth, one thousand eight hundred and sixty-one, to take effect on said first day of March, it is determined shall then cease to be deemed a part of the state of Massachusetts, and shall be deemed a part of the state of Rhode Island.

Decree of S. C. of U. S. not to bar proceedings. SECTION 2. All such depending cases, of which, by reason of their subject-matter, or the relation of parties, the courts of this Commonwealth would not have jurisdiction if they had been instituted after the taking effect of said decree of the supreme court of the United States, may nevertheless be proceeded in to final judgment or decree in said courts of

this Commonwealth, the same as if the said decree of the supreme court had not been made, but, in any such case, the court, in which the same is depending, may, on consent of the parties, filed in writing, at any time before final judgment or decree, order the said case to be transferred to the proper court of the state of Rhode Island, for such proceedings therein as to comity and right shall appertain; and after said consent and order, the said court shall, at the request and cost of either party, cause to be made copies duly certified of the process and papers, and all other proceedings in the said case, to be delivered to the said party; and, upon proof being filed that such case has been entered, within six months after the date of the order of transfer, in the proper court of the state of Rhode Island, all further proceedings in the case shall cease in the courts of this Commonwealth: *provided*, that such transfer may, in the discretion of the court, be made on the motion of either party, at any time before final judgment or decree, in cases where both the parties are resident, and the subject-matter of the suit is situated, in the territory, which by said decree of the supreme court of the United States ceases to be subject to the jurisdiction of this Commonwealth.

Case may be transferred to proper court in R. I.

Proviso.

SECTION 3. It shall be lawful for the proper courts of this Commonwealth to entertain jurisdiction of all civil actions, suits and matters in law or equity, of whatsoever name or nature, lawfully depending, on or before the first day of March next, in the courts of the state of Rhode Island, in and for such portion of the territory of said state as by the aforesaid decree of the supreme court of the United States is from that day to be deemed in law a part of the territory of this Commonwealth, and whether such suits affect persons, property or other rights: *provided*, that the plaintiff or defendant in such suit shall, at any time before final judgment or decree in said case in the courts of Rhode Island, have filed in such proper court of this Commonwealth copies of the process, papers and other proceedings in the same, under the hand and seal of the clerk of the said court of the state of Rhode Island in which the said case may be depending, or of the court itself if it have no clerk, whereupon such case shall proceed in the courts of this Commonwealth the same as if originally instituted therein. But if, in any such case depending as aforesaid, in the courts of Rhode Island, the said courts shall retain jurisdiction after the first day of March next, and proceed to final judgment or decree therein, in such event the said judgment or decree, being duly certified, may be entered in

Suits depending in courts of R. I., jurisdiction.

Proviso.

In case court in R. I. retain jurisdiction, certified copy of decree to be filed in S. J. C. for Bristol co.

the supreme judicial court of the county of Bristol, either in term time or vacation, provided the same shall be done within six months after the date of said judgment or decree; and, upon the order of said court or of any justice thereof, the clerk of said court, in said county, shall issue execution or any other lawful process to give due effect to such judgment or decree, the same as if said judgment or decree had been rendered by the courts of this Commonwealth.

Proceed'gs upon execution.

Insolvency proceedings commenced in Massachusetts to continue.

Proviso.

Proceedings commenced in R. I.

Attachments of property, and bail taken, in cases transferred to Mass., how maintained.

SECTION 4. All proceedings in insolvency instituted in the proper courts of this Commonwealth shall be and continue therein, to all intents and purposes, and in the same manner, as if the aforesaid decree of the supreme court of the United States had not been made, notwithstanding that the persons or property affected by such proceedings are resident or situated in the territory by said decree decreed to the state of Rhode Island, provided, that the state of Rhode Island shall make due provision by law to give effect to such proceedings as to persons and property within said territory. All proceedings in insolvency, instituted in the proper courts of the state of Rhode Island, prior to the first day of March next, shall continue therein, affecting persons and property resident or situated in the territory in which said courts have heretofore held jurisdiction, but which by said decree of the supreme court is on that day deemed to be a portion of this Commonwealth, and shall have the same force and validity as if said decree had not been passed.

SECTION 5. Whenever, in the class of cases as to which provision is herein before made for the transfer thereof, or for certificate of judgment or decree therein, from the courts of the state of Rhode Island to those of this Commonwealth, attachment of property shall have been made, or bail or other security taken, then such attachment or liability of bail or other security shall continue and be maintained in full force in this Commonwealth, as follows, to wit: If said cause shall be transferred to and entered in the courts of this Commonwealth to be prosecuted therein, then such attachment shall continue in the same manner, and with the same force and effect, as if the suit had been originally brought in this Commonwealth; and if the case shall be retained to final judgment or decree in the courts of the state of Rhode Island, and said judgment or decree certified from the courts of the state of Rhode Island to the courts of this Commonwealth for execution, then the attachment shall continue and be in full force until thirty days after entry of order for execution consequent on the filing of a certified copy of said judgment or decree in the supreme

judicial court for the county of Bristol, provided that the said entry shall have been made on or before the term of said supreme judicial court holden next after thirty days from the date of such decree or judgment, and that such order for execution shall have been made within thirty days after the first day of said term: And, in all cases, the liability of bail or other security, whether the case be transferred to the courts of this Commonwealth or continued in those of Rhode Island, shall be the same as if no change of jurisdiction had occurred under the decree aforesaid of the supreme court of the United States.

Liability of bail.

SECTION 6. The judge of probate of the county of Bristol, at any time after the first day of March next, shall, on application to him made by any person thereto duly authorized by the governor of the state of Rhode Island or otherwise by authority of the general assembly thereof, order the delivery to such person, of certified copies of all papers or documents, and transcripts of all bonds, returns and other proceedings in any matters of probate pending before him or in the registry of probate of said county, appertaining to the settlement or distribution of estates, execution of wills, custody of wards or their property, or other probate matter in and for that part of the territory heretofore of the jurisdiction of this Commonwealth, and which by the aforesaid decree of the supreme court of the United States passes to that of the state of Rhode Island; and the said judge of probate may in his discretion deliver to such person the original of wills or other papers as aforesaid: and all such papers and proceedings shall remain on the files of said judge of probate or register until removed therefrom on said application by authority of the governor of Rhode Island, or otherwise by authority of the general assembly of said state.

Judge of probate of Bristol co., to deliver transcripts of certain papers to agent of R. I.

SECTION 7. All matters of probate of wills, trusts, settlements of estates or other matters of probate resort, depending on the first day of March next, in the proper courts of probate of the state of Rhode Island, in or for so much of the territory heretofore in the jurisdiction of the state of Rhode Island as by the aforesaid decree of the supreme court of the United States, is on that day to be deemed a part of this Commonwealth, may and shall have day and continue and be with all due legal effect in the proper courts of probate of this Commonwealth, as fully as if the same had been originally instituted therein; and in regard to all such matters, including orders, notices, sales or other acts whatsoever, the said courts of probate of this Commonwealth shall be deemed

Probate matters depending in R. I. to be continued in Mass.

and held in law to be the continuation and succession of the said courts of the state of Rhode Island.

Real estate of deceased intestates dying before March 1, and personal estate of residents, in territory ceded to Mass., to be settled under laws of R. I.

SECTION 8. All real estate left by persons who shall have died intestate before the first day of March next, and which may lie or be within the limits of the territory, which by the decree of the supreme court aforesaid passes on that day from the jurisdiction of the state of Rhode Island to that of this Commonwealth, and all personal estate of persons domiciled in said territory, shall be distributed or settled among the heirs-at-law, or legal representatives of such intestate, or other persons entitled, agreeably to the laws of the state of Rhode Island, which laws shall have the same force and effect in this Commonwealth in the settling and distributing of such intestate estates, as if they were laws of the same duly made, and shall be so adjudged by all judges and ministers of justice in this Commonwealth. And the proper courts of probate of this Commonwealth are hereby fully empowered and required to complete the distribution and settlement of such intestate estates as aforesaid, which shall yet remain unsettled, in the same manner and as fully and effectually in all respects as the same could have been by the courts of probate of the state of Rhode Island, if the said territory had remained within the jurisdiction of the said state. And all wills, devises and bequests of property, real or personal, made before said first day of March, by any person domiciled in said territory at the time of making the same, shall be governed by the same rules of law, and have the same effect, in this Commonwealth, and be continued and executed by the proper courts thereof, in the same manner as if the said territory were and continued to be within the jurisdiction of the state of Rhode Island.

Courts of probate in Mass., powers and duties defined.

Grants and conveyances under laws of R. I. to be judged valid.

SECTION 9. All grants and conveyances of lands and property heretofore made by the lawful authorities of the colony or state of Rhode Island and Providence Plantations, or by any commissioner, agent or person by them or either of them, lying within the territory heretofore deemed of the jurisdiction of the state of Rhode Island, but which by the aforesaid decree of the supreme court of the United States, is to be deemed of the jurisdiction of this Commonwealth, shall be as good, valid and effectual, to all intents and purposes whatsoever, to the grantees, their heirs and assigns, as if the lands and property so granted had really been situated in the colony or state by whom or by whose authority the same was made; and shall hereafter be so adjudged and construed in all courts of judicature of this Commonwealth.

SECTION 10. All valid claims for uncollected taxes and liens for taxes on estate, real or personal, situated in the territory, which, on the first day of March next, by the said decree of the supreme court of the United States ceases to be subject to the jurisdiction of the state of Rhode Island and becomes subject to that of this Commonwealth, which liens shall before that day have attached to such estate by the laws of Rhode Island, shall continue for the same period of time as if no such change of jurisdiction had occurred; and such taxes may be prosecuted to collection and such lien be enforced in this Commonwealth, by the lawful authorities of the same, but for the benefit of the corporation or persons, originally entitled thereto by the laws of the state of Rhode Island.

Claims for uncollected taxes shall continue.

SECTION 11. All grants, deeds, conveyances and evidences whatsoever of title or interest in estate, real or personal, made prior to the first day of March next, of any lands or other property within the territory heretofore deemed of the jurisdiction of the state of Rhode Island, but by the said decree of the supreme court of the United States declared to be of that of this Commonwealth, which shall prior to said day have been executed and registered according to the laws in force there at the time of making the same, shall be adjudged and deemed as good, valid and effectual to all intents and purposes whatsoever, as if the same had been made, executed and recorded within and according to the laws of this Commonwealth; and copies of all such grants, deeds, conveyances and evidences, attested by the proper officers where the same are registered, shall be received as lawful evidence by all courts of this Commonwealth, to the same intent as copies of deeds properly executed and recorded in this Commonwealth. And all deeds, grants or other instruments, conveying real or personal estate lying within the territory described in this section, executed according to the laws of Rhode Island and not recorded before the said first day of March, may be recorded in the proper recording office of this Commonwealth, notwithstanding the same may not be executed in accordance with the laws of the same, and shall be of the same force and effect as if executed according to the laws of this Commonwealth.

Grants, conveyances and evidences made prior to March 1, under laws of R. I., to be deemed valid in Mass.

Deeds and other instruments not filed for record before March 1, may be recorded in Mass.

SECTION 12. All contracts, in writing or parole, made before the first day of March next, within that part of the territory theretofore under the jurisdiction of the state of Rhode Island, which, in virtue of the said decree of the supreme court of the United States, is thereafter to be deemed a part of this Commonwealth, and all deeds or other

Contracts, deeds, etc., to have same construction in Mass as in R. I.

conveyances of lands or other property situated in said territory, and made before said day, shall have the same construction and effect in law and equity in the courts of this Commonwealth, as they would have had in the courts of the state of Rhode Island; and if legal and valid by the laws of Rhode Island, such deeds, contracts or conveyances shall not subject the grantor or maker thereof to any legal consequences other than such as he may have been subject to by the laws of Rhode Island.

Newport and Fall River Railroad Comp'y, existing rights confirmed.

SECTION 13. It is hereby declared that the right of the Newport and Fall River Railroad Company to locate and build its railroad within the territory, over which the jurisdiction of the state of Rhode Island shall have been exercised prior to the day of the taking effect of said decree of the supreme court of the United States, and which, after said day, will be subject to the jurisdiction of this Commonwealth, shall be and the same is secured to said company, as fully as if said right had been originally granted by this Commonwealth. And all legal proceedings in regard to the location or building of said railroad before commissioners or courts under the charter of said company or the amendments thereof, or the laws of Rhode Island, may be prosecuted and completed in every respect as if the said decree of the supreme court of the United States had not been made; and said proceedings may be transferred to the courts of this Commonwealth before final judgment or decree, or after judgment and decree certified to the same for execution, in the same manner and to the same effect as is herein before provided for other cases depending in the courts of the state of Rhode Island.

Criminal proceedings in Massachusetts, course of, defined.

SECTION 14. All indictments, or other criminal proceedings, depending in the courts of this Commonwealth, may be proceeded in the same as if said decree of the supreme court of the United States had not been made, provided only that the crime shall have been committed within the limits of the Commonwealth, as heretofore defined prior to said decree, and also that the criminal party or his recognizers, or either of them, shall have been within the jurisdiction of the Commonwealth. And it shall be lawful for the proper courts and ministers of justice in this Commonwealth to take cognizance of crimes at common law, committed before the first day of March next, in the territory over which the state of Rhode Island has heretofore exercised jurisdiction, but which by virtue of said decree of the supreme court is on that day to be deemed a part of this Commonwealth, for which crimes the persons committing the same

Crimes committed prior to Mch. 1, cognizance of.

shall not have been prosecuted before that day; and said courts may take jurisdiction of all complaints and indictments made or found after that day against such persons, and the same shall be continued and prosecuted in said court to final judgment and sentence: *provided*, such court shall not impose any greater sentence or penalty for the punishment of crimes so committed than, at the time when the crime was committed, could have been imposed for the punishment thereof by the proper courts of the state of Rhode Island.

SECTION 15. The commissioner, appointed or to be appointed by the supreme judicial court of this Commonwealth, in virtue of the act of the present session, entitled "An Act in relation to the Town of Seekonk," shall act in coöperation with any commissioner appointed by the supreme court of the state of Rhode Island; and the said commissioners shall conjointly exercise the powers and perform the acts, which by the said act were imposed upon and to be performed by the commissioner designated therein; and they shall determine the apportionment and appropriation of the taxes assessed by the said town of Seekonk for the year eighteen hundred and sixty-one, whether collected or uncollected, between the inhabitants of said town, who on and after the first day of March will continue to be the town of Seekonk in this Commonwealth, and those who will become subject to the jurisdiction of the state of Rhode Island; and the said commissioners shall conjointly determine all the questions, which by the act aforesaid were to have been determined by the commissioner therein designated, and any question which may arise between the aforesaid inhabitants of said town of Seekonk in the execution of the act of this Commonwealth, approved April tenth, one thousand eight hundred and sixty-one, entitled "An Act in relation to the Rhode Island Boundary," which act, as the basis of the assent of this Commonwealth to the rendition of the aforesaid decree of the supreme court of the United States, is to govern the action of said commissioners. And, in case the said commissioners shall fail to agree on any point, they may choose a third commissioner as umpire to determine all questions on which they shall have disagreed. And the report of said commissioners, or of any two of them, made, at their election, to the supreme judicial court of this Commonwealth, or to the supreme court of the state of Rhode Island, whether before or after the first day of March next, and accepted by the same, shall be final. And of all the costs and expenses of said commissioners, one-half part and no more shall be defrayed out of the treasury of this Commonwealth, on the

Subsequent offences.

Proviso.

Commissioners appointed by S. J. courts of Mass. and R. I. to determine assessment and appropriation of taxes by town of Seekonk for 1861, and questions arising under former act.

Disagreement, how determined.

Report of commissioners to be final.

Expenses.

certificate of the attorney-general, and the governor shall draw his warrant for the same.

SECTION 16. This act shall take effect on its passage.

Approved February 28, 1862.

Chap. 49. AN ACT IN RELATION TO THE SAVINGS BANK LOCATED IN FALL RIVER.

Be it enacted, &c., as follows :

Directors, present board of may continue until next annual election.

SECTION 1. The present officers of the Savings Bank, a banking corporation located in the town of Fall River, Rhode Island, which on the first day of March in the year one thousand eight hundred and sixty-two, became a part of the territory of this Commonwealth, may continue to fill their respective offices, until the next annual meeting for the election of officers, notwithstanding certain of them may be citizens of and residents in the state of Rhode Island : present members of the corporation of said bank may continue in that capacity, and, while members thereof, be eligible to any office thereof, though they may be citizens of and residents in said state : *provided*, that a majority of the board of trustees, and all the members of the board of investment, shall always be citizens of Massachusetts.

Proviso.

Corporate title.

SECTION 2. Said Savings Bank shall hereafter be known and called by the name of "The Citizens' Savings Bank."

SECTION 3. This act shall take effect upon its passage.

Approved March 1, 1862.

Chap. 50. AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR THE MILEAGE AND COMPENSATION OF THE OFFICERS AND MEMBERS OF THE LEGISLATURE DURING THE PRESENT SESSION THEREOF, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Appropriations authorized.

SECTION 1. The sums hereinafter mentioned are appropriated, and shall be allowed and paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to meet the expenses for the compensation of the officers and members of the legislature, at the present session thereof, and for other purposes, to wit :

Senators' compensation.

For the compensation of senators, a sum not exceeding nine thousand eight hundred and twenty dollars.

Representatives.

For the compensation of representatives, a sum not exceeding fifty-seven thousand four hundred and twenty dollars.

Door-keepers, messengers, watchmen and firemen.

For the compensation of the door-keepers, messengers, and pages of the senate and house of representatives, and of such watchmen and firemen, as may be employed in the state house, a sum not exceeding seven thousand four hundred and thirteen dollars and fifty cents.

For mileage and compensation of the lieutenant-governor and council, a sum not exceeding ten thousand dollars.

Lieut.-governor
and council.

For the salaries of the clerks of the senate and house of representatives, including the compensation of such assistants as they may appoint, a sum not exceeding two thousand six hundred and sixty-six dollars and sixty-seven cents.

Clerks of senate
and house.

For the salaries of the chaplains of the senate and house of representatives, four hundred dollars.

Chaplains.

SECTION 2. This act shall take effect upon its passage.

Approved March 1, 1862.

AN ACT REGULATING CERTAIN MATTERS OF FINANCE.

Be it enacted, §c., as follows:

SECTION 1. The provisions of the forty-fourth section of the fifteenth chapter of the General Statutes, shall apply to the state reform school at Westborough, to the nautical branch thereof, to the industrial school for girls at Lancaster, to the board of education, to the state prison, and to all other state institutions for which appropriations are made.

Gen. Stats. chap.
15, sect. 44, to
apply to officers
of public institu-
tions.

SECTION 2. This act shall not affect gratuities, and shall not be held to exempt any of said institutions from any of the provisions of said chapter fifteen which are applicable to said institutions.

Construction of
act defined.

SECTION 3. This act shall take effect upon its passage.

Approved March 1, 1862.

AN ACT TO CONTINUE IN FORCE AN ACT TO INCORPORATE THE BOSTON INSURANCE COMPANY.

Be it enacted, §c., as follows:

SECTION 1. The act of the year one thousand eight hundred and twenty-three, incorporating the Boston Insurance Company, which was continued in force until the eleventh day of February, in the year one thousand eight hundred and sixty-three, by an act passed in the year one thousand eight hundred and forty-two, with any acts in amendment thereof, or in addition thereto, shall be continued in force from and after the said eleventh day of February, in the year one thousand eight hundred and sixty-three.

Corporation con-
tinued without
limitation of
time.

SECTION 2. Said company shall have all the powers and privileges, and no other, and be subject to all the duties, restrictions and liabilities, set forth in the general laws in relation to corporations and insurance companies, which have been, or may hereafter be enacted, in the same manner as if the original charter had been granted after the eleventh day of March, in the year one thousand eight hundred and thirty-one.

Privileges, and
restrictions.

Approved March 1, 1862.

Chap. 51.

Chap. 52.

Chap. 53. AN ACT TO CONTINUE IN FORCE AN ACT INCORPORATING THE FRANKLIN INSURANCE COMPANY.

Be it enacted, &c., as follows :

Corporation continued without limitation of time.

SECTION 1. The act of the year one thousand eight hundred and twenty-three, incorporating the Franklin Insurance Company, which was continued in force by the act passed in the year one thousand eight hundred and forty-two, until the tenth day of February, in the year one thousand eight hundred and sixty-three, with any acts in amendment thereof or in addition thereto, shall be continued and remain in force from and after said tenth day of February, in the year one thousand eight hundred and sixty-three.

Privileges and restrictions.

SECTION 2. Said company shall have all the powers and privileges, and no others, and be subject to all the duties, liabilities and restrictions set forth in the general laws in relation to corporations and insurance companies, which have been or may hereafter be enacted, in the same manner as if the original charter had been granted after the eleventh day of March, one thousand eight hundred and thirty-one.

Approved March 1, 1862.

Chap. 54. AN ACT TO CONTINUE IN FORCE AN ACT TO INCORPORATE THE WASHINGTON INSURANCE COMPANY.

Be it enacted, &c., as follows :

Corporation continued without limitation of time.

SECTION 1. The act of the year one thousand eight hundred and twenty-four, to incorporate the "Washington Fire and Marine Insurance Company," which was continued in force until the seventh day of February, in the year one thousand eight hundred and sixty-four, under the name of the Washington Insurance Company, by an act passed in the year one thousand eight hundred and forty-three, with any acts in amendment thereof, or in addition thereto, shall be continued in force from and after the said seventh day of February, in the year one thousand eight hundred and sixty-four.

Privileges and restrictions.

SECTION 2. Said company shall have all the powers and privileges, and no others, and be subject to all the duties, restrictions and liabilities, set forth in the general laws in relation to corporations and insurance companies, which have been, or may hereafter be enacted, in the same manner as if the original charter had been granted after the eleventh day of March, in the year one thousand eight hundred and thirty-one.

Approved March 1, 1862.

AN ACT TO CONTINUE IN FORCE AN ACT TO INCORPORATE THE MERCANTILE MARINE INSURANCE COMPANY.

Chap. 55.

Be it enacted, &c., as follows :

SECTION 1. The act of the year one thousand eight hundred and twenty-three, incorporating the Mercantile Marine Insurance Company, which was continued in force until the eleventh day of February, one thousand eight hundred and sixty-three, by an act passed in the year one thousand eight hundred and forty-two, with any acts in addition thereto, or in amendment thereof, shall be continued and remain in force, from and after the said eleventh day of February, one thousand eight hundred and sixty-three.

Corporation continued without limitation of time.

SECTION 2. Said company shall have all the powers and privileges, and no other, and be subject to all the duties, liabilities and restrictions, set forth in the general laws in relation to corporations and insurance companies, which have been or may hereafter be enacted, in the same manner as if the original charter had been granted after the eleventh day of March, in the year one thousand eight hundred and thirty-one.

Privileges and restrictions.

Approved March 1, 1862.

AN ACT TO AUTHORIZE THE TOWN OF WILLIAMSBURG TO TAKE STOCK IN THE NORTHAMPTON AND SHELburnE FALLS RAILROAD COMPANY.

Chap. 56.

Be it enacted, &c., as follows :

The town of Williamsburg, in the county of Hampshire, is hereby authorized to subscribe for shares in the capital stock of the Northampton and Shelburne Falls Railroad Company, to an amount not exceeding two per centum on the amount of its last valuation, and to pay for the same out of the town treasury, and hold the same as town property, subject to the disposition of the town for public purposes, in like manner as any other property which it may possess: *provided*, the inhabitants of said town, at a legal meeting called for that purpose, shall vote to subscribe for such shares in accordance with the terms of this act.

May subscribe two per cent. of valuation of town.

Proviso.

Approved March 6, 1862.

AN ACT CONCERNING RELIGIOUS SERVICES IN PUBLIC SCHOOLS.

Chap. 57.

Be it enacted, &c., as follows :

SECTION 1. The school committee shall require the daily reading of some portion of the Bible, without written note or oral comment, in the public schools, but they shall require no scholar to read from any particular version, whose parent or guardian shall declare that he has conscientious scruples against allowing him to read therefrom, nor shall they ever

Bible to be read without comment: version not to be compulsory.

Sectarian school books prohibited. direct any school books calculated to favor the tenets of any particular sect of Christians, to be purchased or used in any of the public schools.

Repeal. SECTION 2. The twenty-seventh section of the thirty-eighth chapter of the General Statutes, is hereby repealed.

Approved March 6, 1862.

Chap. 58. AN ACT FOR THE PROTECTION OF TROUT IN MAPLE SPRING POND, IN THE TOWN OF WAREHAM.

Be it enacted, &c., as follows :

Taking prohibited from September to April. SECTION 1. No person shall take any trout in Maple Spring Pond, in the town of Wareham, or in the waters running into or flowing therefrom, from the fifteenth day of September in each year, to the fifteenth day of April in the year next ensuing ; nor shall any person take any trout therefrom except by hooks and lines, nor without permission of the proprietor or proprietors.

Permits and conditions. SECTION 2. Any person offending against the provisions of this act, shall forfeit and pay a fine of one dollar for each trout taken, to be recovered by prosecution before any trial justice in the county of Plymouth.

Penalty for violation.

Approved March 6, 1862.

Chap. 59. AN ACT FOR THE PROTECTION OF BLACK BASS.

Be it enacted, &c., as follows :

Taking prohibited from December to June. SECTION 1. No person shall take any black bass in any fresh water stream or pond, from the first day of December, in each year, to the first day of June in the year next ensuing, or use any other means of taking them than by angling with hooks and lines.

Penalty for violation. SECTION 2. Any person offending against the provisions of this act shall forfeit and pay a fine of one dollar for each black bass taken, to be recovered by prosecution before any trial justice or police court in the county where the offence is committed.

Approved March 7, 1862.

Chap. 60. AN ACT CONCERNING THE HAMPDEN EAST AGRICULTURAL SOCIETY.

Be it enacted, &c., as follows :

Annual fair. The Hampden East Agricultural Society shall hereafter commence its annual fair on the second Tuesday of October, in each year.

Approved March 7, 1862.

Chap. 61. AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE CURRENT YEAR.

Be it enacted, &c., as follows :

Appropriations authorized. SECTION 1. The sums hereinafter mentioned are appropriated, and shall be allowed and paid out of the treasury of

the Commonwealth, from the ordinary revenue, for the purposes specified, to meet the current expenses of the year ending on the thirty-first day of December, eighteen hundred and sixty-two, to wit:

For stationery for the senate, purchased by the clerk of the senate, a sum not exceeding one thousand dollars. Stationery—senate.

For stationery for the house of representatives, purchased by the clerk of the house of representatives, a sum not exceeding eighteen hundred dollars. Stationery—house.

For compensation of the private secretary of the governor, a sum not exceeding twelve hundred and eighty-three dollars and thirty-four cents. Governor's private secretary.

For compensation of the messenger to the governor and council, a sum not exceeding seven hundred and thirty-three dollars and thirty-four cents. Messenger.

For compensation of the assistant-messenger to the governor and council, a sum not exceeding three hundred and thirty-four dollars. Assistant-messenger.

For the salary of the sergeant-at-arms, eighteen hundred and thirty-three dollars and thirty-four cents. Sergeant-at-arms

For the authorized expenses of committees of the legislature, a sum not exceeding three hundred dollars. Committees' expenses.

For the salary of the assistant-librarian and clerk of the secretary of the board of education, thirteen hundred and seventy-five dollars; the same to be paid from the income of the school fund. Assistant-librarian and clerk board education.

For the salary of the attorney-general, twenty-two hundred and sixteen dollars and sixty-seven cents. Attorney-general

For clerk hire in the office of the attorney-general, a sum not exceeding nine hundred and sixteen dollars and sixty-seven cents. Clerk hire

For incidental expenses in the office of the attorney-general, a sum not exceeding one hundred dollars. Incidentals.

For the salary of the secretary of the Commonwealth, eighteen hundred and thirty-three dollars and thirty-four cents. Secretary of the Commonwealth.

For the salary of the first clerk in the secretary's office, thirteen hundred and seventy-five dollars. First clerk.

For the salary of the second clerk in the secretary's office, twelve hundred and eighty-three dollars and thirty-four cents. Second clerk.

For such additional clerical assistance as the secretary may find necessary for the performance of the duties of the office, a sum not exceeding thirteen thousand one hundred and seventy-five dollars. Additional clerks.

- Messenger.** For the salary of the messenger in the secretary's office, seven hundred and thirty-three dollars and thirty-four cents.
- Publication bank returns weekly and monthly.** For the payment for the weekly and monthly publication of bank returns, in accordance with the fifty-seventh chapter of the General Statutes, a sum not exceeding five hundred dollars.
- Incidental—secretary's office.** For incidental expenses of the secretary's office, a sum not exceeding thirty-two hundred dollars.
- Treasurer and receiver-general.** For the salary of the treasurer and receiver-general, eighteen hundred and thirty-three dollars and thirty-four cents.
- First clerk.** For the salary of the first clerk in the treasurer's office, thirteen hundred and seventy-five dollars.
- Second clerk.** For the salary of the second clerk in the treasurer's office, eleven hundred dollars.
- Incidental—treasurer's office.** For incidental expenses of the treasurer's office, a sum not exceeding four hundred and twenty-five dollars.
- Auditor of accounts.** For the salary of the auditor of accounts, eighteen hundred and thirty-three dollars and thirty-four cents.
- Clerk.** For the salary of the clerk of the auditor of accounts, thirteen hundred and seventy-five dollars.
- Incidental—auditor's office.** For incidental expenses of the auditor's office, a sum not exceeding three hundred dollars.
- Additional clerks.** For such additional clerical assistance as the auditor may find necessary, a sum not exceeding three thousand and fifty dollars.
- Commissioners on public lands.** For compensation of the commissioners on public lands, and clerk hire, a sum not exceeding three thousand dollars.
- Expenses, contingent and incidental of commissioners.** For contingent and incidental expenses of said commissioners, a sum not exceeding one thousand dollars; said sums to be paid from the moiety of the proceeds of sales, which by the resolves of the year eighteen hundred and fifty-seven, chapter seventy, is applicable to improvements.
- Binding railroad reports.** For binding the annual railroad reports, agreeably to the provisions of chapter two hundred and sixty-two of the acts of eighteen hundred and fifty-nine, two hundred dollars.
- Clerical assistance to committees.** For clerical assistance to committees authorized to send for persons and papers, a sum not exceeding three hundred dollars; and the auditor is hereby authorized to audit bills for such assistance, the same having been approved by the chairman of such committees, or other members authorized by the committees to certify such accounts.
- Chief justice superior court.** For the salary of the chief justice of the superior court, three thousand seven hundred dollars.

For the salaries of nine associate justices of said court, Associates.
thirty-one thousand five hundred dollars.

For the salary of the clerk of the supreme judicial court Clerk S. J. court.
for the Commonwealth, three thousand dollars.

For the salary of the assistant-clerk of said court, fifteen Assistant.
hundred dollars.

For expenses of said court, two thousand five hundred Expenses.
dollars.

For the salary of the judge of probate and insolvency for Judges of probate and insolvency—Suffolk.
the county of Suffolk, three thousand dollars.

For the salary of the judge of probate and insolvency for Middlesex.
the county of Middlesex, two thousand dollars.

For the salary of the judge of probate and insolvency for Worcester.
the county of Worcester, eighteen hundred dollars.

For the salary of the judge of probate and insolvency for Essex.
the county of Essex, fifteen hundred dollars.

For the salary of the judge of probate and insolvency for Norfolk.
the county of Norfolk, fourteen hundred dollars.

For the salary of the judge of probate and insolvency for Bristol.
the county of Bristol, eleven hundred dollars.

For the salary of the judge of probate and insolvency for Plymouth.
the county of Plymouth, one thousand dollars.

For the salary of the judge of probate and insolvency for Berkshire.
the county of Berkshire, eight hundred dollars.

For the salary of the judge of probate and insolvency for Hampden.
the county of Hampden, eight hundred dollars.

For the salary of the judge of probate and insolvency for Barnstable.
the county of Barnstable, seven hundred dollars.

For the salary of the judge of probate and insolvency for Hampshire.
the county of Hampshire, six hundred and fifty dollars.

For the salary of the judge of probate and insolvency for Franklin.
the county of Franklin, six hundred dollars.

For the salary of the judge of probate and insolvency for Nantucket.
the county of Nantucket, three hundred dollars.

For the salary of the judge of probate and insolvency for Dukes.
the county of Dukes County, two hundred and fifty dollars.

For the salary of the register of probate and insolvency Registers and assistants—Suffolk.
for the county of Suffolk, three thousand dollars.

For the salary of the assistant-register for the county of
Suffolk, fifteen hundred dollars.

For the salary of the register of probate and insolvency Middlesex.
for the county of Middlesex, fifteen hundred dollars.

For the salary of the assistant-register for the county of
Middlesex, one thousand dollars.

For the salary of the register of probate and insolvency Worcester.
for the county of Worcester, fifteen hundred dollars.

For the salary of the assistant-register for the county of Worcester, one thousand dollars.

Essex. For the salary of the register of probate and insolvency for the county of Essex, fifteen hundred dollars.

For the salary of the assistant-register for the county of Essex, eight hundred dollars.

Norfolk. For the salary of the register of probate and insolvency for the county of Norfolk, one thousand dollars.

For the salary of the assistant-register for the county of Norfolk, six hundred dollars.

Bristol. For the salary of the register of probate and insolvency for the county of Bristol, thirteen hundred dollars.

Plymouth. For the salary of the register of probate and insolvency for the county of Plymouth, one thousand dollars.

Hampden. For the salary of the register of probate and insolvency for the county of Hampden, eight hundred dollars.

Berkshire. For the salary of the register of probate and insolvency for the county of Berkshire, eight hundred dollars.

Hampshire. For the salary of the register of probate and insolvency for the county of Hampshire, seven hundred and fifty dollars.

Franklin. For the salary of the register of probate and insolvency for the county of Franklin, seven hundred dollars.

Barnstable. For the salary of the register of probate and insolvency for the county of Barnstable, seven hundred dollars.

Nantucket. For the salary of the register of probate and insolvency for the county of Nantucket, three hundred dollars.

Dukes. For the salary of the register of probate and insolvency for the county of Dukes County, three hundred and fifty dollars.

Expenses of courts of probate and insolvency. For certain expenses of the courts of insolvency, authorized by chapter one hundred and eighteen of the General Statutes, or similar accounts for the courts of probate and insolvency, a sum not exceeding three thousand dollars.

Att'y-general, court expenses. For fees, costs, court expenses, and other like charges of the attorney-general, in accordance with the provisions of the fourteenth chapter of the General Statutes, a sum not exceeding three hundred dollars.

District-att'ys. Suffolk. For the salary of the attorney for the county of Suffolk, three thousand dollars.

Assistant. For the salary of the assistant-attorney for the county of Suffolk, one thousand eight hundred dollars.

Eastern. For the salary of the district-attorney for the eastern district, one thousand two hundred dollars.

Northern. For the salary of the district-attorney for the northern district, one thousand two hundred dollars.

For the salaries of the justices of police courts, thirty-one thousand and three hundred dollars. Justices of police courts.

For the salaries of the clerks of police courts, exclusive of clerks elected under chapter one hundred and sixteen, section four, of the General Statutes, fourteen thousand four hundred dollars. Clerks.

For the salary of the district-attorney for the southern district, one thousand two hundred dollars. District-att'ys. Southern.

For the salary of the district-attorney for the middle district, one thousand two hundred dollars. Middle.

For the salary of the district-attorney for the south-eastern district, one thousand two hundred dollars. South-eastern.

For the salary of the district-attorney for the western district, one thousand two hundred dollars. Western.

For the salary of the district-attorney for the north-western district, eight hundred and ninety dollars. North-western.

For the salary of the reporter of the decisions of the supreme judicial court, three hundred dollars. Reporter of decisions S. J. Ct.

For printing such number, not exceeding seventy-five thousand, of the pamphlet edition of the General Acts and Resolves of the present year, for distribution in the Commonwealth, a sum not exceeding five thousand dollars. Printing general laws and resolves.

For printing two thousand copies of the "blue-book" edition of the Acts and Resolves of the present year, with the governor's messages and other matters in the usual form, but not including the constitution, a sum not exceeding two thousand dollars. Printing "Blue-book" edition.

For printing abstracts of the returns of assessors relating to the assessment of taxes on the shares of corporations and deposits in savings institutions, in accordance with the resolves of the year one thousand eight hundred and sixty, chapter seventy-two, a sum not exceeding eleven hundred dollars. Print'g abstracts assessors returns relating to taxes upon corporations.

For the publication of the General Laws, and all other information, intended for the public, in accordance with the provisions of chapter three of the General Statutes, three hundred dollars. Publication of general laws.

For the purchase by the secretary of the Commonwealth, of blanks for the use of cities and towns, in the registration of births, marriages and deaths, a sum not exceeding three hundred dollars. Blanks for registration of births, marriages and deaths.

For fuel and lights for the state house, a sum not exceeding two thousand dollars; and such sum shall be disbursed under the direction of the commission provided in the fourteenth chapter of the General Statutes. Fuel and lights, state house.

Repairs and furniture.

For repairs, improvements and furniture of the state house, to be disbursed in the manner provided in the fourteenth chapter of the General Statutes, a sum not exceeding three thousand dollars.

Contingent expenses, legislature, and sundries.

For contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, to be disbursed in the manner provided in the fourteenth chapter of the General Statutes, a sum not exceeding one thousand five hundred dollars: *provided*, that no part of such sum shall be expended for stationery, postage, printing, repairs or furniture, or for the purchase of any article or thing, or to effect any object, for which an appropriation is otherwise made in this act, or in any act which may be subsequently passed.

Proviso.

Postage, stationery, etc., for executive department. Printing and binding, senate and house.

For postage, printing and stationery for the governor and council, a sum not exceeding five hundred dollars.

For printing and binding, ordered by the senate or house of representatives, or by the concurrent order of the two branches, in accordance with the sixteenth of the joint rules and orders of the two branches, a sum not exceeding ten thousand dollars.

Calendar of orders and blanks—Senate.

For printing blanks and circulars, and the calendar of orders of the day required for the use of the senate, a sum not exceeding four hundred dollars.

Calendar and blanks—House.

For printing blanks and circulars, and the calendar of orders of the day, for the use of the house of representatives, a sum not exceeding seven hundred dollars.

Sheriffs, forwarding blanks and returns.

To the sheriffs of the several counties for distributing blanks and making returns of votes, in accordance with the one hundred and fifty-seventh chapter of the General Statutes, a sum not exceeding eight hundred and sixty-eight dollars.

Printing and binding public documents.

For printing the public series of documents in the last quarter of the year one thousand eight hundred and sixty-two, under the direction of the secretary of the Commonwealth, according to the fourth chapter of the General Statutes, and for binding the copies to be distributed to the towns and cities, a sum not exceeding ten thousand dollars.

Bank commissioners.

For the mileage and compensation of the bank commissioners, a sum not exceeding six thousand five hundred dollars.

Clerk.

For the salary of the clerk of the bank commissioners, one thousand three hundred and seventy-five dollars.

Incidental.

For the incidental expenses of the bank commissioners, a sum not exceeding one hundred dollars.

Insurance commissioners.

For the compensation and expenses of the board of insurance commissioners, a sum not exceeding three thousand seven hundred and fifty dollars.

For clerical assistance employed by the board of insurance commissioners, agreeably to the provisions of chapter one hundred and seventy-eight, of the acts of eighteen hundred and sixty, a sum not exceeding one thousand dollars.

Clerical assistance.

For continuing the copying of the New Plymouth Records, a sum not exceeding eleven hundred dollars.

New Plymouth Records.

For books, stationery, printing, and advertising, ordered by the sergeant-at-arms, for the legislature, a sum not exceeding five hundred dollars.

Stationery, printing, etc., for legislature.

For the state library, in accordance with the fifth chapter of the General Statutes, twenty-three hundred dollars, to be expended under the direction of the trustees and librarian.

State library.

For additional assistance in the library, in accordance with the fifth chapter of the General Statutes, a sum not exceeding five hundred dollars; and in accordance with chapter three of the resolves of eighteen hundred and sixty-one, a sum not exceeding three hundred dollars.

Assistants in library.

For the contingent expenses of the council, a sum not exceeding eight hundred dollars.

Council contingent.

For the compensation and expenses of the alien commissioners, and agents employed by them, according to law, a sum not exceeding seven thousand dollars.

Alien commissioners.

For burial of state paupers, two thousand dollars.

Burial paupers.

For the compensation and expenses of the superintendent of alien passengers, a sum not exceeding six thousand six hundred and fifty dollars.

Superintendent alien passengers.

For the expenses of coroners' inquests, a sum not exceeding five hundred dollars.

Coroners' inquests.

CHARITABLE.

For the current expenses of the several state almshouses, and for the hospital at Rainsford Island, the following sums, viz.:

Almshouses.

State almshouse at Tewksbury, a sum not exceeding fifty thousand dollars.

Tewksbury.

State almshouse at Monson, a sum not exceeding thirty-six thousand dollars.

Monson.

State almshouse at Bridgewater, a sum not exceeding thirty-five thousand dollars; and for the hospital at Rainsford Island, a sum not exceeding twenty thousand dollars.

Bridgewater.
Hospital Rainsford Island.

For Indians, a sum not exceeding three thousand dollars.

Indians.

For the support and relief of lunatic state paupers in state hospitals, a sum not exceeding sixty thousand dollars.

Lunatic paupers.

For the Perkins institution and Massachusetts asylum for the blind, in accordance with the resolves of the year eighteen

Asylum for the blind.

hundred and fifty-five, chapter sixty-two, twelve thousand dollars.

School for idiots.

For the Massachusetts school for idiotic and feeble-minded youth, in accordance with the resolves of the year one thousand eight hundred and fifty-one, chapter forty-four, and of the resolves of eighteen hundred and sixty-one, chapter twenty-six, nine thousand dollars.

Deaf and dumb at Hartford, Ct.

For the support of patients from Massachusetts, in the asylum for the deaf and dumb at Hartford, in the state of Connecticut, in accordance with the resolves of the year eighteen hundred and twenty-nine, chapter forty-one, and the resolves of the year eighteen hundred and forty-seven, chapter forty-four, a sum not exceeding eight thousand six hundred dollars.

Bequests of M Johonnot.

For the annuities due from the Commonwealth in respect to the obligations incurred by the acceptance of the bequests of the late Martha Johonnot, a sum not exceeding one thousand seven hundred and forty dollars.

Pensions.

For pensions, a sum not exceeding seven hundred dollars.

Sinking fund, almshouses.

To the sinking fund for the redemption of the scrip issued to obtain means for building the state almshouses, six thousand dollars.

AGRICULTURAL.

Bounties, agricultural.

For bounties to agricultural societies, fourteen thousand four hundred and fifty-two dollars and sixty-four cents.

Secretary board, salary.

For the salary of the secretary of the board of agriculture, eighteen hundred and thirty-three dollars and thirty-four cents.

Travel, members.

For the travelling expenses of members of said board, a sum not exceeding twelve hundred dollars.

Travel, postage, etc., of secretary.

For the travelling expenses of the secretary of said board, all postages and necessary expenses, in accordance with the resolves of the year one thousand eight hundred and fifty-three, chapter sixty-seven, a sum not exceeding two hundred and fifty dollars.

Incidental.

For other incidental expenses of said board, a sum not exceeding one hundred and fifty dollars.

Clerk.

For the salary of the clerk of the secretary of said board, six hundred dollars.

Printing report.

For printing ten thousand copies of the report of the board of agriculture, a sum not exceeding six thousand five hundred dollars.

MILITARY.

Adjutant-general salary.

For the salary of the adjutant-general, one thousand six hundred and fifty dollars.

For the salary of the clerk of the adjutant-general, eleven hundred dollars. Clerk.

For extra clerk hire, including messenger in the adjutant-general's department, a sum not exceeding five thousand dollars. Extra clerk.

For the incidental expenses of the adjutant-general, a sum not exceeding two thousand dollars. Incidental.

For the expenses of the departments of the quartermaster-general and master of ordnance, a sum not exceeding five thousand dollars. Quartermaster and master ordnance.

For military bounty, a sum not exceeding forty-three thousand dollars. Bounty.

For military accounts, a sum not exceeding five thousand five hundred dollars. Accounts.

For the rent of armories, a sum not exceeding eleven thousand dollars. Rent of armories.

REFORMATORY AND CORRECTIONAL.

For the current expenses of the state reform school for boys, at Westborough, a sum not exceeding thirty-two thousand dollars; said sum to be expended solely for the current expenses of said institution; and all other sums received by said institution from the towns and cities, for the support of boys in said school, shall be paid into the treasury of the Commonwealth; and no moneys appropriated by this act shall be expended by the trustees of said school to pay for improvements at said institution, and without authority of law. Reform school at Westboro'.

For the current expenses of the nautical branch of the state reform school, a sum not exceeding twenty thousand five hundred dollars; and all sums received by said institution from cities and towns, for the support of boys in said nautical branch, shall be paid into the treasury of the Commonwealth. Nautical branch

For the expenses of the arrest of fugitives from justice, a sum not exceeding one thousand dollars. Arrest of fugitives.

For the salary of an agent for the relief of discharged convicts, a sum not exceeding eight hundred dollars. Agent discharged convicts, salary.

For the expenditures of said agent, in accordance with the provisions of chapter one hundred and seventy-nine of the General Statutes, and of chapter seventy-eight of the acts of eighteen hundred and sixty-one, a sum not exceeding one thousand dollars. Expenditures of agent.

For the current expenses of the state industrial school for girls, at Lancaster, a sum not exceeding sixteen thousand dollars. Industrial sch'l expenses.

Inspector of gas-meters, salary and expenses.

For the salary and expenses of the inspector of gas meters, a sum not exceeding three thousand dollars, in accordance with the provisions of chapter one hundred and sixty-eight of the acts of eighteen hundred and sixty-one.

Emergency fund, reappropriation.

The appropriation made in the twenty-second chapter of the acts of the year eighteen hundred and fifty-eight, for the emergency fund, is hereby made applicable to, and may be used during the present political year, for the purposes and under the provisions and limitations, mentioned in said chapter.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1862.

Chap. 62. AN ACT CONCERNING THE CUSTODY AND DISTRIBUTION OF FUNDS OF THE MASSACHUSETTS VOLUNTEERS.

Be it enacted, &c., as follows :

Treasurer and receiver-general to receive and distribute moneys remitted by Massachusetts volunteers.

SECTION 1. The treasurer and receiver-general is authorized and required to receive and distribute all money which shall be remitted to him, for the use of any person in this Commonwealth, by any of the Massachusetts volunteers in the service of the United States, under the provisions of an act of congress, entitled "An Act to provide for allotment certificates among the volunteer forces," or under any other system which now or hereafter may be duly established by law, and to receive and distribute all money which shall be remitted to him for the use of any person in said Commonwealth by any of said volunteers; but the provisions of the thirtieth section of the fifteenth chapter of the General Statutes shall not apply to any money to be received or distributed under the provisions of this act; nor shall such money be subject to attachment by trustee process, or otherwise.

Gen. Statutes, chap. 15, sect. 30, not to apply.

Attachments disallowed.

Treasurer to notify town treasurer of receipt of money.

SECTION 2. When the treasurer and receiver-general shall receive money under the provisions of this act, for the use of any person, he shall forthwith give notice thereof in writing to the treasurer of the city or town in which such person resides, setting forth the amount thereof, the name of the volunteer by whom it was remitted, and the name of the person for whose use it is held; and every city or town treasurer, upon receipt of such notice, shall forthwith draw upon the treasurer and receiver-general therefor, give notice thereof in writing to the person for whose use it is held, and pay the same on demand to the person entitled thereto, taking a proper receipt or voucher therefor, and returning it to the treasurer and receiver-general.

Town treasurer to draw money, notify party to whom due, pay same, and return voucher.

SECTION 3. If any money to be received by any city or town treasurer, under the provisions of this act, shall not be taken by the person entitled thereto as aforesaid, within thirty days after such notice to him, the said treasurer shall return the same to the treasurer and receiver-general, and the said money shall be held by him until it shall be called for by the person entitled thereto; and when it shall be so called for, the recipient thereof shall be entitled to interest thereon, at the rate of five per cent. per annum, from the time the same shall have been last received by the treasurer and receiver-general.

Money not called for by party entitled, to be returned by town treasurer in thirty days, and interest allowed thereafter.

SECTION 4. When any volunteer aforesaid shall, under the provisions of this act, remit money without designating any person to whose use the same shall be held, it shall be received by the treasurer and receiver-general, held by him subject to the order of said volunteer, and shall draw interest at the rate of five per cent. per annum.

Money received without designation of beneficiary to be held and interest allowed.

SECTION 5. This act shall take effect upon its passage.

Approved March 11, 1862.

AN ACT TO RESTRAIN PRINTING OR CIRCULATING SHOP-BILLS OF THE
SIMILITUDE OF SECURITIES ISSUED BY THE UNITED STATES.

Chap. 63.

Be it enacted, &c., as follows:

Whoever engraves, prints, issues, utters or circulates, a shop-bill or advertisement, in similitude, form and appearance like a treasury note, note, certificate, bill of credit or other security, issued by or on behalf of the United States, on paper similar to paper used for treasury notes, notes, certificates, bills of credit, or other securities issued by or on behalf of the United States, and with vignettes, figures or decorations used on treasury notes, notes, certificates, bills of credit, or other securities, issued by or on behalf of the United States, or having the general appearance of treasury notes, notes, certificates, bills of credit, or other securities, issued by or on behalf of the United States, shall be punished by fine not exceeding fifty dollars, or by imprisonment in the jail not exceeding ninety days.

Imitation of certificates of U. S. stock or treasury notes prohibited.

Penalty.

Approved March 11, 1862.

AN ACT CONCERNING THE HARBOR-MASTER OF THE PORT OF BOSTON.
Be it enacted, &c., as follows:

Chap. 64.

SECTION 1. The harbor-master for the port of Boston shall hereafter be appointed by the mayor and aldermen of the city of Boston, instead of the city council of said city; and he shall continue to have all the powers, and be subject to all the duties, liabilities and obligations, which now appertain by law to the said office.

Appointment by mayor and aldermen, instead of council, authorized.

Council may prescribe duties of harbor-master.

Proviso.
Duties of captain of police may be added.

Repeal.

Act void unless accepted.

SECTION 2. The city council of the city of Boston may make and ordain all such ordinances, rules, orders and regulations for prescribing the duties, and controlling the action of the said harbor-master, as they shall deem expedient: *provided*, such ordinances, rules, orders and regulations, are not repugnant to law; and they may, if they shall deem it expedient, provide by ordinance for adding to the duties of the said harbor-master the duties of captain of the harbor police.

SECTION 3. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECTION 4. This act shall take effect as soon as the same shall be accepted by the city council of the city of Boston.

Approved March 11, 1862.

Chap. 65. AN ACT IN RELATION TO THE REBUILDING AND FUTURE SUPPORT OF
"CAMBRIDGE GREAT BRIDGE."

Be it enacted, &c., as follows :

Cambridge and Brighton, to rebuild.

Dimensions and draws.

Expense.

Dividing line of towns.

Maintenance and repairs by towns, defined.

SECTION 1. The city of Cambridge, and the inhabitants of the town of Brighton, are hereby authorized and required to rebuild the "great bridge," over Charles River, between the city of Cambridge and the town of Brighton, in a substantial and proper manner; the same to be made of the width of twenty-eight feet, with a draw in the centre thereof, at an equal distance from each abutment, of not less than thirty-two feet in width, and with the necessary and proper draw-piers, one above and one below said bridge. The expense incurred in such rebuilding of the bridge and piers shall be borne by said city of Cambridge and said town of Brighton in proportion to the respective valuations of said city and town; but all the additional expense incurred in deepening the channel below said bridge, so as to admit of placing the draw in the centre of said bridge, shall be borne equally by said city and town.

SECTION 2. The bridge, when it shall have been rebuilt as aforesaid, shall be divided by a line along the opening in the middle of said draw, at an equal distance from each abutment, and said line shall forever be the dividing line between Cambridge and Brighton at that point.

SECTION 3. So much of said bridge and draw as shall lie south-westerly of said dividing line, together with the most southerly pier, shall be forever supported, maintained and repaired, and the south-westerly half of the draw shall be raised by, and at the expense of, said town of Brighton; and so much of said bridge and draw as shall lie north-easterly of said dividing line, together with the most northerly pier,

shall be forever supported, maintained and repaired, and the north-easterly half of the draw shall be raised by, and at the expense of said city of Cambridge.

SECTION 4. For the purpose of placing the draw of said bridge in the centre of the same, as above provided, said city and town are authorized and empowered to deepen the channel in said river, so far as may be necessary for that purpose.

Channel may be deepened.

SECTION 5. All acts or parts of acts, inconsistent with the provisions of this act, are hereby repealed.

Repeal.

SECTION 6. This act shall take effect upon its passage.

Approved March 11, 1862.

AN ACT IN ADDITION TO AN ACT IN AID OF THE FAMILIES OF VOLUNTEERS, AND FOR OTHER PURPOSES.

Chap. 66.

Be it enacted, &c., as follows :

SECTION 1. Any town or city may raise money by taxation, or otherwise, and, if necessary, apply the same under the direction of its selectmen, or mayor and aldermen, or city council, for the aid of the wife, each child, parent, brother and sister, of and dependent upon any one of the inhabitants of said town or city, who, as a part of the quota of this Commonwealth, has been, or hereafter shall be duly enlisted and mustered into the volunteer service of the United States.

Towns may raise and appropriate money.

SECTION 2. Any town or city may raise and apply money as aforesaid, for the aid of such wife, child, parent, brother and sister of any one of its inhabitants, who had been duly enlisted and mustered into said volunteer service as a part of the quota of any other state, before the passage of this act.

May apply money for benefit of relatives of citizens in regiments of other states.

SECTION 3. Money raised as aforesaid, may be applied as aforesaid, from and after the time of such enlistment, and while such inhabitant has been, or shall hereafter be actually in said volunteer service ; and all appropriations and expenditures heretofore made, or which shall hereafter be made, by the selectmen, or mayor and aldermen, or city council, of any town or city, for any of the purposes expressed in the foregoing sections, for any persons who have been, or are now in the said service, notwithstanding any actual or supposed irregularity in their original enlistment, are hereby declared valid.

Money raised, application defined.

Appropriations of cities and towns declared valid.

SECTION 4. Of the sums applied as aforesaid, there shall be annually reimbursed, from the state treasury, to the town or city so applying the same, a sum not exceeding one dollar per week for the wife, and one dollar per week for each child and parent aforesaid : *provided*, that the whole sum so

Reimbursement to towns authorized.

Proviso.

reimbursed, shall not exceed twelve dollars per month, for all persons named in this section, dependent upon any such inhabitant, at the time he was or shall be duly enlisted and mustered into said volunteer service.

Report of town officers, annually, to auditor, of persons aided and money paid.

SECTION 5. On or before the fifth day of January in each year, there shall be deposited in the office of the auditor of the Commonwealth, by each town and city raising and applying money as aforesaid, a full and particular report, setting forth the names of the inhabitants of such town or city, for the aid of whose families money has been applied as aforesaid, the names and ages of the several persons for the aid of whom money has been applied as aforesaid, the relation such persons severally bear to such inhabitants, the sums paid to each of such persons, and the time when the same were paid.

Account to be sworn to, and approved by auditor.

And no reimbursement shall be made from the state treasury to such town or city, as provided in section four of this act, until such report has been sworn to by a majority of the selectmen of such town, or the mayor and a majority of the aldermen of such city, deposited as aforesaid, and carefully examined, scrutinized, and approved by said auditor.

Application of act defined.

SECTION 6. This act shall not authorize reimbursing money applied for the aid of any wife, child or parent aforesaid, of any commissioned officer in said volunteer service, nor for the aid of any person dependent upon any volunteers from this state, enlisted into regiments of any other state, who receive aid from such other state.

Inconsistent acts repealed.

SECTION 7. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECTION 8. This act shall take effect upon its passage.

Approved March 18, 1862.

Chap. 67.

AN ACT CONCERNING BANK BILLS.

Be it enacted, &c., as follows :

Section 7, chap. 209 of 1860 suspended until April 1, 1863.

SECTION 1. The operation of the seventh section of the two hundred and ninth chapter of the acts of the year eighteen hundred and sixty, is hereby suspended until the first day of April, in the year eighteen hundred and sixty-three.

SECTION 2. This act shall take effect upon its passage.

Approved March 18, 1862.

Chap. 68.

AN ACT CONCERNING PROBATE COURTS AND COURTS OF INSOLVENCY.

Be it enacted, &c., as follows :

In case of inability of debtor to attend court of insolvency oath

SECTION 1. When any insolvent debtor, or any assignee of the estate of an insolvent debtor, who is required to make oath before the judge, is unable by reason of sickness or other

cause, to attend personally in the court of insolvency, the oath may be administered out of court, by the judge or by any person to whom the judge shall issue his commission for that purpose. And the oath of any debtor, taken under the provisions of this act, shall have the like effect as if taken at the second meeting of his creditors before the judge.

SECTION 2. The provisions of this act shall apply to all insolvent cases now pending in the courts of insolvency, whether the second meetings in said cases have been held or not.

SECTION 3. The probate courts of the several counties shall be courts of record.

SECTION 4. This act shall take effect upon its passage.

Approved March 18, 1862.

AN ACT CONCERNING THE MARLBOROUGH AND FELTONVILLE BRANCH RAILROAD COMPANY.

Chap. 69.

Be it enacted, &c., as follows:

SECTION 1. The Marlborough and Feltonville Branch Railroad Company is hereby authorized to sell and convey to the Fitchburg Railroad Company, its franchise, railroad, and other corporate property; *provided*, that any contract of sale shall be ratified by the stockholders of each of said companies at meetings legally called for that purpose.

SECTION 2. In case a sale shall be effected in accordance with the provisions of this act, the Fitchburg Railroad Company shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities of said Marlborough and Feltonville Railroad Company, excepting the debts of said company.

SECTION 3. In case of a sale as hereby authorized, the Marlborough and Feltonville Branch Railroad Company shall continue its corporate existence for the sole purpose of settling its affairs and paying its debts, and shall continue to have all the corporate powers and privileges, and to be subject to all the duties, restrictions and liabilities, set forth in the sixty-third and sixty-eighth chapters of the General Statutes, for the purpose aforesaid.

SECTION 4. This act shall take effect upon its passage.

Approved March 18, 1862.

AN ACT TO PROVIDE FOR THE INSPECTION OF SOAPSTONE AND FREESTONE.

Chap. 70.

Be it enacted, &c., as follows:

Section one hundred and forty-five of chapter forty-nine of the General Statutes, is hereby so far amended, that all of its provisions shall apply to soapstone and freestone.

Approved March 18, 1862.

Chap. 71. AN ACT TO AUTHORIZE THE RAISING OF MONEY FOR THE ERECTION OR ENLARGEMENT OF A JAIL AND HOUSE OF CORRECTION IN THE COUNTY OF BARNSTABLE.

Be it enacted, &c., as follows :

County commissioners authorized to borrow \$5,000.

SECTION 1. The county commissioners for the county of Barnstable, are hereby authorized to borrow, on the credit of the county, in addition to the amount of their estimate for county expenses, for the present year, a sum not exceeding five thousand dollars; the same to be expended by said commissioners, or their successors in office, in erecting a building, or enlarging the present one, to be used as a jail and house of correction in the town of Barnstable.

May apportion for assessment annually, not exceeding \$2,000.

SECTION 2. The county commissioners for said county of Barnstable may, after the present year, apportion for assessment, upon the inhabitants of said county, such proportion of the sum aforesaid, not exceeding two thousand dollars in any one year, as the said commissioners may determine.

SECTION 3. This act shall take effect upon its passage.

Approved March 18, 1862.

Chap. 72. AN ACT IN RELATION TO AGRICULTURAL SOCIETIES.

Be it enacted, &c., as follows :

Postponement of annual exhibition not to operate forfeiture of bounty.

SECTION 1. Those agricultural societies which held their annual exhibitions subsequently to the time specified by law, in consequence of the national fast, in September last, shall nevertheless be entitled to receive their bounty from the state.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1862.

Chap. 73. AN ACT CONCERNING THE ATTACHING OR MOORING OF RAFTS TO ANY BRIDGE, PIER OR WHARF, IN THE HARBOR OF BOSTON.

Be it enacted, &c., as follows :

Penalty for infringement longer than ten hours without consent.

SECTION 1. Every person who shall attach or moor any raft or collection of spars, logs, piles, timber or lumber, to any bridge, pier or wharf, in the harbor of Boston, longer than ten hours, without the written consent of the owner thereof, shall, for every such offence, forfeit and pay to such owner, a sum of not less than twenty-five dollars, and five dollars for every successive day during which such attachment or mooring shall be so continued; and shall be further liable for all damages to such bridge, pier or wharf, caused by such attachment or mooring, or any continuance thereof, to be recovered by an action of tort.

Further liability.

Penalty for attaching to public bridge more than

SECTION 2. Every person who shall attach or moor any raft, or collection of spars, logs, piles, timber or lumber, to

any public bridge, in the harbor of Boston, for more than ten hours, without the permission in writing of the mayor of Boston, shall be liable to a penalty of not less than twenty-five dollars, and five dollars for every succeeding day during which such attachment or mooring shall be so continued; to be recovered by complaint before the police court of the city of Boston.

Approved March 19, 1862.

AN ACT IN RELATION TO STATIONARY ENGINES.

Chap. 74.

Be it enacted, §c., as follows:

SECTION 1. No stationary engine, propelled by steam or other motive-power, shall be hereafter erected or put up for use in any city or town, within five hundred feet of any dwelling-house or public building, unless a license therefor shall have been first granted in the manner provided in chapter eighty-eight of the General Statutes, in respect to licenses of steam-engines, furnaces, and boilers; and such license shall be applied for, granted and recorded in manner as therein provided.

Use within 500 feet of dwelling-house or public building prohibited, unless licensed.

SECTION 2. Any stationary engine hereafter erected, without such license, shall be deemed a common nuisance, and the mayor and aldermen, or selectmen, shall have like authority to remove the same, as is given to them by section forty of said chapter.

Engine erected without license to be deemed common nuisance.

SECTION 3. This act shall not be in force in any city or town until it has been adopted at a legal meeting of the city council of the city, or of the inhabitants of the town, called for that purpose.

Act void unless adopted by city or town.

SECTION 4. This act shall take effect upon its passage.

Approved March 20, 1862.

AN ACT CONCERNING THE PEOPLE'S MUTUAL FIRE INSURANCE COMPANY, IN WORCESTER.

Chap. 75.

Be it enacted, §c., as follows:

SECTION 1. The provisions of chapter ninety of the acts of the year one thousand eight hundred and sixty entitled "An Act in addition to an Act to incorporate the People's Mutual Fire Insurance Company, in Worcester," are hereby extended to the twentieth day of March, in the year one thousand eight hundred and sixty-four.

Provisions of chap. 90 of 1860 extended to Mar. 20, 1864.

SECTION 2. This act shall take effect upon its passage.

Approved March 20, 1862.

AN ACT PRESCRIBING AND LIMITING THE FEES OF COMMISSIONERS TO TAKE DEPOSITIONS AND ACKNOWLEDGMENTS IN OTHER STATES.

Chap. 76.

Be it enacted, §c., as follows:

Commissioners of this Commonwealth resident in other states, appointed under section forty-one of chapter fourteen

Fees for services enumerated.

of the General Statutes, shall be entitled to charge and receive for their services, as such commissioners, the following fees and no more, excepting as hereinafter provided, to wit: For administering oaths and certifying the same under their official seals, one dollar for each; for taking acknowledgments of deeds and other instruments and certifying the same under their official seals, one dollar for each; for each written page of two hundred and twenty-four words contained in any deposition or affidavit taken by them, fifty cents; for administering the oath or affirmation to each deponent, one dollar; for authenticating, sealing up and directing each deposition, one dollar; for services not herein before specified, the same fees as are allowed to justices of the peace in this state for the like services: *provided, however*, that if it shall appear to the court, to which the deposition is returnable, that a higher compensation for the taking thereof than fifty cents for each written page of two hundred and twenty-four words should be allowed, the court shall order such further allowance on account thereof as it shall see fit.

Approved March 20, 1862.

Chap. 77. AN ACT TO ESTABLISH THE SALARY OF THE FIRST CLERK IN THE OFFICE OF THE AUDITOR.

Be it enacted, &c., as follows:

SECTION 1. The salary of the first clerk in the office of the auditor, shall be fifteen hundred dollars per annum, to be computed from and after the first day of January, in the year eighteen hundred and sixty-two.

SECTION 2. All acts and parts of acts inconsistent herewith, are hereby repealed.

Approved March 20, 1862.

Chap. 78. AN ACT TO AUTHORIZE THE TOWN OF ROCKPORT TO TAKE STOCK IN THE ROCKPORT RAILROAD COMPANY.

Be it enacted, &c., as follows:

SECTION 1. The town of Rockport, in the county of Essex, is hereby authorized to subscribe for and hold shares in the capital stock of the Rockport Railroad Company, to the amount of twenty-five thousand dollars, in addition to the amount of such stock now held by said town: *provided*, the inhabitants of said town, at a legal meeting duly called for that purpose, shall, by a vote of two-thirds of the legal voters present and voting thereon, vote to subscribe for such shares in accordance with the terms of this act, to pay for the same out of the town treasury, and to hold the same as town property, subject to the disposition of the town for public purposes, in like manner as any other property which it may possess.

Other services.

Proviso.

Salary established.

May take \$25,000 additional.

Proviso.

SECTION 2. The said town of Rockport is hereby authorized to raise, by loan or tax, any sums of money which shall be required to pay its subscriptions to said stock and interest thereon. Town may raise money.

SECTION 3. This act shall take effect upon its passage.

Approved March 22, 1862.

AN ACT TO INCORPORATE THE EAST BOSTON FREIGHT RAILROAD COMPANY. *Chap. 79.*

Be it enacted, &c., as follows :

SECTION 1. Samuel S. Lewis, George W. Gordon, Bradford Durfee, George S. Hale, Ammi C. Lombard, Nathaniel Adams, and Seth Bemis, their associates and successors, are hereby made a corporation by the name of the East Boston Freight Railroad Company, with all the powers and privileges, and subject to all duties, liabilities and restrictions set forth in the sixty-third chapter of the General Statutes. Corporators.
Title.
Privileges and restrictions.

SECTION 2. Said corporation is hereby authorized and empowered to hold by lease or purchase the Grand Junction Railroad, or any part thereof, and use and improve the same, as it has been located and built, and any tracks connecting it with other roads, with all rights, privileges, franchises and appurtenances thereto belonging. May hold Grand Junction Railroad and use same.

SECTION 3. Said corporation is hereby authorized to connect said road with wharves and docks in Chelsea and East Boston, with the consent of the owners thereof, under the direction and approval of the mayor and aldermen of the respective cities of Chelsea and Boston. May connect said road with wharves and docks.

SECTION 4. The capital stock of the company shall be twenty-five thousand dollars, with the right to increase the same to two hundred thousand dollars; and no share shall be issued at less than the par value thereof. Capital and shares.

SECTION 5. Nothing herein contained shall authorize said corporation to take lands and property without the consent of the legal owners thereof, and no right of any other person or corporation shall be affected by this act, nor shall the Grand Junction Railroad and Depot Company be released from any contract or rights against the same. Authority of act defined.

SECTION 6. Nothing contained in this act shall be so construed as to permit the corporation herein named to apply to the supreme judicial court, to appoint commissioners under the one hundred and seventeenth section of the sixty-third chapter of the General Statutes, or to use other roads under the provisions of said chapter. Application to S. J. Court for appointment of commissioners, and use of other roads, not authorized.

SECTION 7. This act shall take effect upon its passage.

Approved March 22, 1862.

Chap. 80. AN ACT IN ADDITION TO AN ACT PROVIDING FOR A SINKING FUND.
Be it enacted, &c., as follows :

Treasurer to report to legislature all scrip issued under acts of 1861; also scrip of U. S. received and market value.

SECTION 1. The treasurer and receiver-general shall, on the first day of April, in the year eighteen hundred and sixty-two, make a report to the legislature, of all scrip or certificates of debt issued pursuant to "An Act to provide for the maintenance of the Union and the Constitution," and the act in addition thereto, passed at the session of the legislature in the year eighteen hundred and sixty-one. He shall, at the same time, report the amount of all scrip or certificates of debt of the United States, or money which shall have been received by this Commonwealth, from the United States, under the provisions of said acts, or of either of them, and of the actual market value of said scrip, or certificates of debt, at the date of such report. All scrip, certificates of debt, and money, received under the provisions of said acts respectively, shall be pledged and held as a part of the sinking fund provided for in chapter two hundred and nine of the acts of the year eighteen hundred and sixty-one; and the principal of the same shall be applied for the redemption and payment of the scrip or certificates of debt, issued under said last named act, in pursuance of the provisions of which the same was received; and all moneys so received shall be invested in the scrip of the United States, or in the scrip or certificates of debt of this Commonwealth, issued under said acts respectively.

Scrip received, how held and appropriated.

Investment of moneys.

Repeal.

SECTION 2. The first section of chapter two hundred and nine of the acts of the year eighteen hundred and sixty-one, is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved March 22, 1862.

Chap. 81. AN ACT AUTHORIZING THE SOUNDING OF LOCOMOTIVE WHISTLES.
Be it enacted, &c., as follows :

Bell or whistle to be sounded upon approaching any crossing.

SECTION 1. Every railroad corporation shall cause a bell of at least thirty-five pounds in weight, and a steam whistle, to be placed on each locomotive engine passing upon its road; and such bell shall be rung or such whistle sounded at the distance of at least eighty rods from the place where the road crosses a turnpike, highway or town way, upon the same level therewith; and in like manner, when the road crosses any travelled place over which a sign-board is required to be maintained, as provided in section eighty-five of chapter sixty-three of the General Statutes: and such bell shall be rung, or such whistle sounded, either one or the other,

continuously or alternately, until the engine has crossed such turnpike, way or travelled place.

SECTION 2. The eighty-third section of the sixty-third chapter of the General Statutes is hereby repealed; and section eighty-four of said chapter is hereby amended, by striking out the words, "while the bell rings."

Repeal and amendment.

Approved March 22, 1862.

AN ACT TO PROVIDE FOR THE PAYMENT IN COIN OF THE INTEREST AND PRINCIPAL OF MASSACHUSETTS SCRIP OR BONDS. *Chap. 82.*

Be it enacted, &c., as follows:

SECTION 1. The interest and principal of all scrip or bonds of the Commonwealth of Massachusetts, which have been or may hereafter be issued, shall when due be paid in gold or silver coin.

All paper heretofore or hereafter issued.

SECTION 2. Whenever the interest or principal of any of the scrip or bonds of the Commonwealth shall become due, the treasurer and receiver-general shall procure coin for the payment of the same, and the governor shall draw his warrant for such sum as may be found necessary to procure such coin, to be paid out of any moneys then in the treasury of the Commonwealth.

Treasurer to procure coin under governor's warrant.

SECTION 3. This act shall take effect upon its passage.

Approved March 22, 1862.

AN ACT MAKING APPROPRIATIONS FROM THE INCOME OF THE SEVERAL FUNDS THEREIN MENTIONED, AND FOR OTHER PURPOSES. *Chap. 83.*

Be it enacted, &c., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, and shall be allowed and paid out of the income of the several funds mentioned herein, to wit:

Appropriations authorized.

The income of the Rogers book fund shall be expended, in accordance with the conditions named by the donor, in conformity with chapter two hundred and fifteen of the acts of the year eighteen hundred and fifty-seven.

Rogers book fund, income of.

The income of the Todd normal school fund shall be paid to the treasurer of the board of education, to be applied in such manner as shall be prescribed by said board, in accordance with chapter thirty-six of the General Statutes.

Todd normal school fund, income.

The income of the Indian school fund shall be applied according to the provisions of chapter thirty-six of the General Statutes.

Indian school fund, income.

SECTION 2. The sums mentioned in this section are appropriated, and shall be allowed and paid out of the Charles River and Warren Bridges fund, for the year eighteen hundred and sixty-two, to wit:

Charles River and Warren Bridges fund.

Repairs.	For repairs on said bridges and buildings belonging there- to, a sum not exceeding fourteen hundred and fifty dollars.
Draw-tenders, compensation.	For the compensation of the draw-tenders on said bridges, in conformity with an act of the year eighteen hundred and sixty-one, chapter ninety-six, a sum not exceeding twenty- three hundred dollars.
Horse-keeping.	For horse-keeping, a sum not exceeding two hundred and fifty dollars.
Fuel and lights.	For gas, oil, fluid and fuel, a sum not exceeding eight hundred dollars.
Incidental.	For incidental expenses, a sum not exceeding three hun- dred dollars.
Essex Bridge, tolls.	SECTION 3. The sums mentioned in this section are appro- priated, and shall be allowed and paid, out of the moneys arising from the tolls collected on the Essex Bridge, for the year eighteen hundred and sixty-two, to wit:
Agent's salary.	For the salary of the agent of said bridge, the sum of one hundred dollars.
Toll-gatherers and tenders.	For the compensation of the toll-gatherers and draw- tenders upon said bridge, a sum not exceeding five hundred dollars.
Repairs, etc.	For the repair and maintenance of said bridge, a sum not exceeding two thousand dollars.
Lights.	For gas, oil and fluid, a sum not exceeding two hundred dollars.
Incidental.	For incidental expenses, a sum not exceeding twenty-five dollars.
Toll money how disposed.	And all moneys arising from the tolls on said bridge shall be paid into the state treasury.
Surplus of funds to be added to principal.	SECTION 4. In all cases, for which no other provision is made by law, the income, or any surplus thereof, of all funds belonging to, or in the custody of the Commonwealth, shall be added to the principal.
	SECTION 5. This act shall take effect upon its passage.

Approved March 22, 1862.

Chap. 84. AN ACT RELATING TO THE CHALLENGING OF JURORS IN CIVIL AND CRIMINAL CAUSES.

Be it enacted, &c., as follows:

Either party in
civil cause and
defendant in
criminal case
may challenge
two.

SECTION 1. In all cases of trial by jury, in addition to the challenges now provided for, either party in a civil cause, and the defendant in a criminal cause, shall, before the trial commences, be entitled to challenge peremptorily two of the jurors from the panel called to try the cause.

Supreme Judicial
Court may pre-
scribe manner of
exercise.

SECTION 2. The supreme judicial court, by general rules, may prescribe the manner in which the right of challenge herein prescribed shall be exercised.

Approved March 22, 1862.

AN ACT TO PROVIDE FOR THE PUBLICATION AND DISTRIBUTION OF THE GENERAL LAWS AND RESOLVES. *Chap. 85.*

Be it enacted, &c., as follows:

SECTION 1. The secretary of the Commonwealth shall immediately after the close of each session of the general court, cause to be published in a pamphlet form, seventy-five thousand copies of the general laws and resolves; and the secretary shall cause the same to be apportioned according to the census, and sent to the clerks of the several cities and towns, to be delivered by them to such inhabitants of said cities and towns as shall make application therefor.

Secretary to print 75,000, and transmit to clerks of towns.

Clerks to deliver upon application.

SECTION 2. Section third of chapter three of the General Statutes is hereby repealed. *Repeal.*

SECTION 3. This act shall take effect upon its passage.

Approved March 22, 1862.

AN ACT RELATING TO RETURNS RECEIVED BY ASSESSORS FROM CORPORATIONS. *Chap. 86.*

Be it enacted, &c., as follows:

SECTION 1. Whenever the assessors of any city or town shall receive returns from any corporation, under the provisions of chapter sixty-eight of the General Statutes, concerning the property of any shareholder who has removed from such city or town, such assessors shall send a copy of such returns to the assessors of the city or town in which said shareholder shall then reside, if known to such assessors, and within this Commonwealth.

Non-resident shareholder to be notified.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1862.

AN ACT MAKING APPROPRIATIONS FOR DEFICIENCIES IN THE YEAR EIGHTEEN HUNDRED AND SIXTY-ONE AND IN PREVIOUS YEARS, AND FOR OTHER PURPOSES. *Chap. 87.*

Be it enacted, &c., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, and shall be allowed and paid out of the treasury of the Commonwealth, unless otherwise provided for from the ordinary revenue, for the purposes specified, to wit:

Appropriations authorized.

For compensation of the appraisers of the Back Bay lands, in accordance with chapter one hundred and eighty-three, section nine, of the acts of eighteen hundred and sixty-one, four hundred dollars; to be paid out of the Back Bay lands fund.

Appraisers Back Bay lands.

For compensation of the commissioners on public lands for the year eighteen hundred and sixty-one, one hundred and seventy-three dollars.

Commissioners public lands.

For repairs on Charles River and Warren Bridges for the year eighteen hundred and sixty-one, fourteen hundred and

Charles River and Warren Bridges, repairs, etc., '61.

fifteen dollars and eighty cents ; gas, oil, fluid, and so forth, six dollars and seventy-six cents ; incidentals, twenty-one dollars and eighty-seven cents.

Essex Bridge, repairs, etc., '60-'61.

For repairs on Essex Bridge in the year eighteen hundred and sixty, thirty-nine dollars and twenty-seven cents ; in the year eighteen hundred and sixty-one, thirty dollars and ninety-four cents ; gas, oil, and so forth, twenty-one dollars and four cents ; the same to be paid from the Essex Bridge fund.

Rainsford Island hospital.

For the expenses of Rainsford Island hospital for the year eighteen hundred and sixty-one, five thousand dollars.

Tewksbury almshouse.

For the expenses of the Tewksbury almshouse for the year eighteen hundred and sixty-one, thirteen thousand three hundred and thirty-eight dollars and forty-four cents.

Pest-house at Tewksbury.

For building a pest-house at Tewksbury almshouse in the year eighteen hundred and sixty-one, four hundred and sixteen dollars and sixty-seven cents.

Am. Asylum deaf and dumb.

For expenses at the asylum for the deaf and dumb, in the year eighteen hundred and sixty-one, ninety-one dollars and sixty cents.

Coroners' accounts, '61.

For coroners' accounts in the year eighteen hundred and sixty-one, two hundred and fifty dollars.

Paupers, support, '61.

For the support of state paupers, under chapter ninety-four of the acts of eighteen hundred and sixty-one, thirty-four dollars and ninety cents.

Lunatic paupers, '61.

For lunatic state paupers for the year eighteen hundred and sixty-one, twenty-five thousand one hundred dollars.

Courts of Insolvency, '60-'61.

For the expenses of courts of insolvency for the year eighteen hundred and sixty, eight dollars and fifty cents, and for the year eighteen hundred and sixty-one, eight hundred dollars.

Senate, printing, '61.

For printing senate blanks and circulars for the year eighteen hundred and sixty-one, one hundred and sixteen dollars and eighty-two cents.

New Plymouth Records, printing, '61.

For printing New Plymouth Records for the year eighteen hundred and sixty-one, three hundred and forty-one dollars and seventy-two cents.

Sergeant-at-arms printing, '60.

For printing ordered by the sergeant-at-arms for the year eighteen hundred and sixty, one hundred and thirty-nine dollars and seven cents.

Board of agriculture, incidentals, '61.

For incidentals of the board of agriculture for the year eighteen hundred and sixty-one, nineteen dollars and fifty-nine cents.

Town lines, establishment of.

For the establishment of town lines under resolves of eighteen hundred and sixty-one, chapter ninety, thirty-six dollars and thirteen cents.

For the arrest of fugitives from justice, for the year eighteen hundred and sixty, thirty dollars; for the year eighteen hundred and sixty-one, one hundred dollars.

Fugitives from justice, '60-'61.

For incidentals in the treasurer's office for the year eighteen hundred and sixty-one, two hundred and four dollars and twenty-two cents.

Treasurer's office, incidentals, '61.

For compensation of cattle commissioners for the year eighteen hundred and sixty-one, forty-three dollars and fifty cents.

Cattle commissioners, compensation, '61.

For the preparation of census abstract, agreeably to resolves of eighteen hundred and sixty, chapter thirteen, and acts of eighteen hundred and sixty, chapter two hundred and thirteen, the balance of former appropriations not drawn is hereby re-appropriated.

Census abstract, preparation of, re-appropriation.

For repairs, improvements and contingent expenses connected with the state house, incurred by the sergeant-at-arms in the year eighteen hundred and sixty-one, nine hundred and sixteen dollars and seventy-two cents.

State house, repairs and contingents, '61.

For the nautical branch of the state reform school, being the deficiency for the year eighteen hundred and sixty-one, the sum of three thousand five hundred dollars.

Nautical branch reform school, deficiency, '61.

For expenses in the adjutant-general's office, in the year eighteen hundred and sixty, the sum of seventeen dollars thirty-one cents.

Adjutant-General's office, expenses, '60.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1862.

AN ACT TO REPEAL AN ACT CONCERNING THE EQUALIZATION OF SHARES IN CORPORATIONS.

Chap. 88.

Be it enacted, &c., as follows:

The act entitled "An Act to equalize the Shares in Corporations," approved March thirtieth, in the year eighteen hundred and sixty, is hereby repealed.

Act of 1860 repealed.

Approved March 22, 1862.

AN ACT FOR THE FURTHER SECURITY OF LANDS FROM TRESPASSERS.

Chap. 89.

Be it enacted, &c., as follows:

Whoever wilfully commits a trespass by entering or passing over the garden, orchard, mowing-land, or other land of another, under tillage, at any time between the first day of April and the first day of November, after being forbidden so to do by the owner or occupant thereof, or by his authorized agent, shall be punished by fine not exceeding ten dollars; and such fine shall be not less than five dollars if the offence be committed on the Lord's day.

Penalty for trespass from April 1 to November 1.

Approved March 25, 1862.

Chap. 90.

AN ACT RELATING TO LIBELS FOR DIVORCE.

Be it enacted, &c., as follows :

Libel may be presented to any justice supreme judicial court at any time, who may act thereon.

The provisions of the nineteenth section of the one hundred and seventh chapter of the General Statutes, are hereby extended, so that the libel therein required to be presented to the supreme judicial court, in any county, may be presented to any justice of said court, in any county, in vacation or in term time, and such justice may make any order thereon pursuant to said section with the same effect as if issued by said court.

Approved March 25, 1862.

Chap. 91.

AN ACT CONCERNING PROOF OF NOTICE ON PETITIONS TO THE LEGISLATURE.

Be it enacted, &c., as follows :

Unavoidable* omission of notice to entitle petitioner to 20 days grace.

SECTION 1. Whenever it shall appear upon satisfactory evidence under oath, that the notice required to be given by the eighth, ninth or tenth sections of the second chapter of the General Statutes, was omitted to be given by reason of any unavoidable accident, without default on the part of the petitioner or applicant, or that the subject-matter of the petition or application did not admit of such previous notice, as is in such section prescribed, the notice shall be accounted sufficient, if given for the period of time therein named, as soon as such omission shall have been discovered by the petitioner or applicant, or within a reasonable time after such subject-matter shall have arisen, or become known : *provided*, that such petition or application be presented within thirty days after the first day of the assembling of the legislature.

Proof of notice required defined.

SECTION 2. Whenever any petition shall be presented within the period of thirty days after the assembling of the legislature, and it shall appear upon satisfactory proof, that all the parties having rights or interests in the subject-matter thereof have waived notice, or have received satisfactory notice thereof, by writing signed by them, no other or further proof of notice shall be required.

Proof of publication.

SECTION 3. The form of proof of publication of notice authorized by the twelfth section of said act shall not be construed to exclude any other equally satisfactory evidence thereof.

Approved March 27, 1862.

Chap. 92.

AN ACT RELATING TO THE SALARIES OF THE OFFICERS OF THE POLICE COURT IN THE CITY OF FALL RIVER.

Be it enacted, &c., as follows :

Justice and clerk.

SECTION 1. The judge of the police court in the city of Fall River shall receive an annual salary of twelve hundred dollars ; and the clerk of said court shall receive an annual salary of six hundred dollars.

SECTION 2. All acts and parts of acts inconsistent with this act, are hereby repealed.

SECTION 3. This act shall take effect on the first day of April next.

Approved March 27, 1862.

AN ACT CONCERNING THE FEES OF FENCE-VIEWERS.

Be it enacted, &c., as follows:

SECTION 1. The fees prescribed by law for fence-viewers shall be paid by all or by such of the parties in dispute, and in such proportions, as shall be determined by a certificate, in writing, under the hands of the fence-viewers acting in each case. And if any person or persons so required to pay the whole or any portion of said fees shall neglect to pay the fence-viewers within thirty days after the certificate has been delivered, the fence-viewers may recover double the amount of the fees due from such delinquent party.

Viewers to determine proportion of fees of parties.

Neglect to pay entitles to recovery of double fee.

SECTION 2. So much of the seventeenth section of the twenty-fifth chapter of the General Statutes as is inconsistent with this act, is hereby repealed.

Repeal of section 17 chapter 25 of General Statutes.

SECTION 3. Fence-viewers shall hereafter be chosen by ballot.

Approved March 27, 1862.

Election of viewers.

AN ACT FOR THE PROTECTION OF TROUT IN NYE'S POND, IN THE TOWN OF SANDWICH.

Be it enacted, &c., as follows:

SECTION 1. No person shall take any trout in Nye's Pond, in Sandwich, or the stream running therefrom to Jeremy's Creek, so called, from the first day of August in each year, to the first day of April in the year next ensuing; nor shall any person take any trout therefrom except by hook and line; nor shall any person enter upon the land bordering upon said pond or stream, at any season of the year for the purpose of taking trout, without the written permission of the proprietors.

Season for taking trout.

Mode of fishing. Restriction.

SECTION 2. Any person offending against the provisions of this act, shall forfeit and pay a fine of one dollar for each trout taken, to be recovered by prosecution before any trial justice in the county of Barnstable.

Penalty.

Approved March 27, 1862.

AN ACT RELATIVE TO EXPENSES INCURRED FOR BANKS ORGANIZED UNDER GENERAL LAWS.

Be it enacted, &c., as follows:

SECTION 1. Banks organized under general banking laws shall be severally required to pay, for numbering, registering and countersigning bank bills, one cent for each sheet of four impressions; and for making out transfers of stock from the

Rates for registering, &c.

Chap. 93.

Chap. 94.

Chap. 95.

Other expenses how paid. auditor to the said banks, twenty cents for each folio. All further expenses to the Commonwealth incurred in the auditor's department for business required by law to be performed therein, pertaining to said banks, shall be paid by assessments, *pro rata*, upon the capital stock of all such banks.

Times of payment. SECTION 2. Payment of the sums required by this act shall be made into the treasury of the Commonwealth on the first days of April and October annually; and the amounts and items due on said days from the several banks, shall be certified to the treasurer by the auditor.

SECTION 3. This act shall take effect upon its passage.

Approved March 27, 1862.

Chap. 96. AN ACT CONCERNING THE LEASE OF A PIER ON WARREN BRIDGE.
Be it enacted, &c., as follows:

Modification of lease for bathing-house. The draw-tender for Warren Bridge is hereby authorized to modify, as he shall judge expedient, the terms of the lease, dated April tenth, in the year eighteen hundred and fifty-seven, by which a portion of the pier on the westerly side of Warren Bridge was leased for a bathing-house: *provided*, that such modification shall be approved by the governor and council.

Approved March 27, 1862.

Chap. 97. AN ACT TO UNITE THE HAMPSHIRE AND HAMPDEN RAILROAD CORPORATION OF THIS COMMONWEALTH, WITH THE NEW HAVEN AND NORTHAMPTON COMPANY, OF THE STATE OF CONNECTICUT.
Be it enacted, &c., as follows:

Limitation of time. SECTION 1. The Hampshire and Hampden Railroad Corporation, existing in Massachusetts, is hereby authorized to unite with itself, within two years from the passage of this act, the New Haven and Northampton Company, a railroad corporation existing in the state of Connecticut, upon such terms, not inconsistent with the charter of said Hampshire and Hampden Railroad Corporation, nor with the laws of this Commonwealth, as the directors of said corporations may agree, subject however to the approval of three-fourths of the stockholders of said Hampshire and Hampden Railroad Corporation present and voting thereon, at a legal meeting of said corporation called for that purpose. The new corporation so formed by the union of said corporations, shall be called the New Haven and Northampton Company, and shall have a capital stock not exceeding one million five hundred thousand dollars.

Title. Capital. SECTION 2. The corporation thus formed shall have all the powers, franchises, property and rights which said two corporations severally have as railroad corporations at the

Powers, rights, restrictions, &c.

time when they unite as aforesaid, and shall be subject to all the duties, restrictions and liabilities to which at said time said corporations may be severally subject: neither of said corporations shall by any thing herein contained, be released from any liabilities, nor shall the rights of any creditor, or any other person or corporation, be affected hereby.

SECTION 3. One or more of the officers of said new corporation shall be inhabitants of this Commonwealth, and one or more of them shall be inhabitants of Connecticut: legal process may be served on any one of such officers who is an inhabitant of this Commonwealth. When an attachment is made of the stock of any person in said corporation notice thereof served on any officer living in this state shall be of the same effect as if the attachment was made in accordance with the provisions of the General Statutes.

SECTION 4. The annual reports made by said corporation to the legislature of this Commonwealth shall show the amount of expenditure, receipts and profits which belong to the parts of its road situate in the different states respectively; and said reports shall be approved by two commissioners appointed for the purpose of examining the accounts of said corporation in these particulars, one by the governor of Massachusetts and the other by the governor of Connecticut. Said commissioners shall be paid for their services by said corporation.

Approved March 28, 1862.

AN ACT TO INCREASE THE CAPITAL STOCK OF THE BOSTON BELTING COMPANY. *Chap. 98.*

Be it enacted, &c., as follows:

The Boston Belting Company is hereby authorized to increase its capital stock, by an addition thereto of two hundred thousand dollars, which shall be issued in shares of one hundred dollars each.

Approved March 28, 1862.

AN ACT TO INCREASE THE CAPITAL STOCK OF THE BOSTON GAS-LIGHT COMPANY. *Chap. 99.*

Be it enacted, &c., as follows:

The Boston Gas-Light Company is hereby authorized to increase its capital stock, by adding thereto a sum not exceeding one million dollars, to be paid in at such times and in such amounts as the stockholders may from time to time authorize, and to invest the same in such real and personal estate as may be necessary and convenient for the purposes for which they were incorporated.

Approved April 1, 1862.

Chap. 100 AN ACT TO INCORPORATE THE SAILORS' SNUG HARBOR AND OLD MAN'S HOME, IN SALEM.

Be it enacted, &c., as follows:

Corporators.	SECTION 1. Benjamin H. Silsbee, Robert Brookhouse, J. W. Peele, John Bertram, William D. Pickman, their associates and successors, are hereby made a corporation by the name of the Sailors' Snug Harbor and Old Man's Home, in Salem, for the purpose of providing for the support of aged destitute men, not otherwise provided for; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the sixty-eighth chapter of the General Statutes; and for the purpose aforesaid, may take and hold real and personal property to an amount not exceeding one hundred thousand dollars.
Title.	
Purpose.	
Powers, duties, &c.	
Real and personal estate.	

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1862.

Chap. 101 AN ACT IN RELATION TO PURCHASES MADE BY OFFICERS OR AGENTS OF THE STATE, CITIES, TOWNS, OR PUBLIC INSTITUTIONS.

Be it enacted, &c., as follows:

Discount, bonus or reward, public officer prohibited receiving.	SECTION 1. No officer or agent of the state, or of any city, town, or public institution, nor any person employed by either of them, authorized to procure materials, supplies or other articles, either by purchase or contract, or to employ service or labor, shall be allowed either directly or indirectly for himself, or for any other person, to receive any commission, discount, bonus, present or reward from the person or persons making such contract, furnishing any such materials, supplies, or other articles, or from any person rendering service or labor under such contract.

Penalty for offering or accepting.	SECTION 2. Any person offending against the provisions of the preceding section, or any person who shall give or offer any such commission, discount, bonus, present or reward, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than ten dollars nor more than five hundred dollars, or by fine and imprisonment not exceeding one year, at the discretion of the court.

Certificate of compliance with preceding sections required.	SECTION 3. The state auditor, or the auditor of any city, town, or public institution, or any person authorized to approve demands for the supply of any articles specified in the first section of this act, is hereby authorized, before approving any such demand, to require the claimant to certify under oath, that the whole of the articles for which claim is made has been furnished, or that the whole labor or service has been performed, and that no commission,

discount, bonus, reward or present of any kind has been received, or is promised or expected on account of the same.

SECTION 4. This act shall take effect upon its passage.

Approved April 1, 1862.

AN ACT CONCERNING THE ATTENDANCE OF OFFICERS UPON COURTS.
Be it enacted, &c., as follows:

Chap. 102

SECTION 1. Not more than four deputy-sheriffs shall receive compensation for attendance upon the several sessions of the civil terms of the superior court, and the terms of said court for business both civil and criminal, unless the presiding justice or the district-attorney shall in writing require the sheriff to procure the attendance of such additional number as may be deemed necessary for the whole or any portions of such terms of said court.

Not more than four deputy-sheriffs to attend civil terms Superior Court unless specially required.

SECTION 2. Not more than six deputy-sheriffs or constables shall receive compensation for attendance upon the sessions of the criminal terms of the superior court, unless the district-attorney shall in writing require the sheriff to procure the attendance of such additional number as he may deem necessary for the whole or any portion of such terms of said court.

Not more than six officers at criminal sessions, unless, etc.

SECTION 3. Not more than four deputy-sheriffs shall receive compensation for attendance upon the civil terms of the supreme judicial court, unless the presiding justice shall in writing require the sheriff to procure the attendance of such additional number as he may deem necessary for the whole or any portion of such terms of said court.

S. J. Court, civil term allowed not more than four deputy-sheriffs unless justice require additional.

SECTION 4. No deputy-sheriff or constable shall be entitled to compensation for attendance upon the sessions of more than one court, nor upon more than one session of the same court on the same day.

Compensation limited to one court, and one session daily.

Approved April 1, 1862.

AN ACT CONCERNING DAMAGES FOR LAND TAKEN BY RAILROAD CORPORATIONS.

Chap. 103

Be it enacted, &c., as follows:

SECTION 1. Whenever the time for locating or constructing any railroad is extended by statute, all unsettled claims for land-damages against such railroad corporation shall be revived, and the claimants for such damage may make their application to the county commissioners, or for a jury, if the estimate of the commissioners has been completed and returned, at any time within one year from the passage of such act. This act shall not include cases in which,

Extension of time for locating to revive claims for damages.

Proviso.

through defect in the original location of a road already constructed, a new location is rendered necessary.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1862.

Chap. 104 AN ACT TO EXTEND THE TIME FOR THE LOCATION AND CONSTRUCTION OF THE STONEHAM BRANCH RAILROAD.

Be it enacted, §c., as follows:

Extension of one year.

SECTION 1. The time within which the Stoneham Branch Railroad Company may locate and construct its road, is hereby extended one year beyond the time heretofore granted.

SECTION 2. This act shall take effect upon its passage.

Approved April 2, 1862.

Chap. 105 AN ACT IN ADDITION TO "AN ACT IN RELATION TO THE TOWN OF SEEKONK."

Be it enacted, §c., as follows:

Conveyances, appraisements, &c., provided for in sect. 6, chap. 187 of 1861, except of certain school property, etc., authorized by present town of Seekonk.

SECTION 1. The sales, conveyances, appraisements and remittances of taxes provided for in the sixth section of the act, entitled "An Act in relation to the Rhode Island boundary," approved April tenth, in the year eighteen hundred and sixty-one, may be made by the present town of Seekonk, except so far as regards the appraisement of school property of those school districts through which the boundary line between this Commonwealth and the state of Rhode Island as now established passes, and the remittances of such appraised values to the tax-payers of such districts, which shall remain subject to the provisions of the acts of the present session, entitled "An Act in relation to the Town of Seekonk," and "An Act for the regulation of suits at law affected by the establishment of the boundary line between the states of Massachusetts and Rhode Island, and for other purposes."

SECTION 2. This act shall take effect upon its passage.

Approved April 2, 1862.

Chap. 106 AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF HARWICH AND ORLEANS.

Be it enacted, §c., as follows:

Boundaries defined.

The boundary line between the towns of Harwich and Orleans is hereby established as follows, to wit: Beginning at a stone monument standing on the bank at the south-east corner of the town of Brewster, thence south thirty-two degrees and twenty minutes east, to a point in the middle of Pleasant Bay where said line intersects a line extending west one degree north from a rock standing in the water on

the most northerly point of Strong Island. Said lines are based on lines and angles on and with the true meridian.

Approved April 4, 1862.

AN ACT TO ESTABLISH THE POLICE COURT OF CHARLESTOWN.

Chap. 107

Be it enacted, &c., as follows:

SECTION 1. A police court is hereby established in the city of Charlestown under the name of the Police Court of Charlestown; and said city shall constitute a judicial district under the jurisdiction of said court. Said court shall have the same jurisdiction, power and authority, shall perform the same duties, and be subject to all the regulations provided in the one hundred and sixteenth chapter of the General Statutes, and in all general acts which may be passed in amendment thereof; and all provisions of law relating to civil and criminal proceedings, the taxation of costs, the payment of fines, the expenses of court, the accounting and settling with the county, city or town treasurers for the money paid into court, and the required returns applicable to the several police courts in the Commonwealth, other than the police court of Boston, shall apply to the police court of Charlestown hereby established.

Establishment,
jurisdiction,
powers and du-
ties of court.

SECTION 2. The said court shall consist of one standing justice, two special justices and a clerk; the justices to be appointed, commissioned and qualified pursuant to the constitution and laws of the Commonwealth. Said clerk shall perform all the duties now prescribed by the General Statutes for clerks of police courts; and all the provisions of law now applicable to such clerks shall apply to this clerk, excepting such as apply only to the police court of Boston. The said clerk shall be chosen by the city council of Charlestown, in convention, and shall hold his office till the next annual municipal election, or until a successor is chosen and qualified. At the annual municipal election in said city, to be held on the second Monday in December, in the year eighteen hundred and sixty-two, a clerk shall be chosen as provided in chapter one hundred and sixteen, section four, of the General Statutes, for the remainder of the term for which other clerks of police courts are chosen.

How constituted.

Clerk, duties of.

When and how
chosen.

SECTION 3. The justice of said court shall receive an annual salary of twelve hundred dollars, and the clerk an annual salary of five hundred dollars, to be paid from the treasury of the Commonwealth. The compensation of the special justices for duties performed by them in the absence of the standing justice, shall be paid by the said standing justice as provided by law.

Salaries of justice
and clerk, and
compensation of
special justices.

Proceedings commenced before trial justices to be determined thereby.

SECTION 4. All proceedings duly commenced before any trial justice or justice of the peace of the county of Middlesex, before the second Monday in April, in the year eighteen hundred and sixty-two, shall be prosecuted and determined as though this act had not been passed.

Act, when in force.

SECTION 5. This act shall take effect, so far as the appointing, commissioning and qualifying the justices and electing the clerk of the said court are concerned, upon its passage, and it shall take full effect upon the second Monday in said April.

Approved April 4, 1862.

Chap. 108 AN ACT IN RELATION TO SEALING WEIGHTS AND MEASURES IN THE CITY OF LAWRENCE.

Be it enacted, &c., as follows:

Sealer to visit delinquents, adjust weights and measures.

SECTION 1. The sealer of weights and measures for the city of Lawrence, is authorized and required to go to the houses, stores and shops of all such persons within the said city of Lawrence, using weights and measures for the purpose of buying and selling, as shall neglect to bring in their measures, weights, balances, scales and beams, to be adjusted and sealed, and there at the said houses, stores and shops, having entered the same with the assent of the occupant thereof, to adjust and seal the same or send the same to his office to be adjusted and sealed, and shall be entitled to receive therefor double the fees provided by law for the same service, if they had been brought in to be adjusted and sealed, with all the expenses attending the removal of the same.

Double fee allowed.

Penalty for refusing services of sealer.

SECTION 2. If any such person shall refuse to have his measures, weights, balances, scales or beams, so tried, adjusted and sealed, the same not having been tried, adjusted and sealed within one year preceding such refusal, he shall forfeit ten dollars for each offence, one-half to the use of the city, and one-half to the use of the sealer of weights and measures.

Forfeiture for altering after adjustment.

SECTION 3. If any person shall alter any measure, weight, balance, scale or beam, after the same shall have been adjusted and sealed, so that the same thereby shall not conform to the public standard, and shall fraudulently make use of the same, he shall forfeit for each offence the sum of ten dollars, one-half to the use of the city, and one-half to the use of the complainant.

Mayor and aldermen may remove sealer.

SECTION 4. The mayor and aldermen of the city of Lawrence are authorized to remove the sealer of weights and measures, at any time they may see fit.

SECTION 5. This act shall take effect when it shall have been accepted by the city council of the city of Lawrence.

Act to be accepted.

Approved April 4, 1862.

AN ACT CONCERNING THE ISSUE OF COMMISSIONS TO CERTAIN CIVIL OFFICERS. *Chap. 109*

Be it enacted, &c., as follows :

SECTION 1. Every person hereafter appointed to the office of justice of the peace, trial justice, notary public, master in chancery, commissioner to qualify civil officers within this Commonwealth, or commissioner to perform ministerial acts in other states or territories to be made of record in this Commonwealth, shall have notice thereof from the secretary of the Commonwealth, and before the delivery of his commission shall pay into said secretary's department the sum of five dollars.

Person appointed to pay fee upon delivery of commission by secretary.

SECTION 2. If any person, to whom a commission for any of the offices named in the preceding section shall be delivered, shall not within three months from the date of his commission be duly qualified, such commission shall be null and void.

To qualify within three months.

SECTION 3. Every commissioner appointed to qualify civil officers shall, upon qualifying any officer named in the first section, forthwith make a return of such act, with the date of qualification, to the secretary of the Commonwealth.

Commissioners qualifying to return certificate to secretary.

SECTION 4. All fees received by the secretary under the provisions of this act, shall be paid quarterly to the treasurer and receiver-general, accompanied by a certificate specifying the amount of money received for each of the classes of officers herein enumerated.

Fees to be paid treasurer quarterly.

SECTION 5. The first, second and third sections of this act shall be printed upon all commissions of officers named in the first section of this act.

Sections to be printed.

SECTION 6. This act shall take effect upon its passage.

Approved April 7, 1862.

AN ACT IN ADDITION TO AN ACT IN RELATION TO BANKS.

Be it enacted, &c., as follows :

SECTION 1. The provisions of section first chapter first of the acts of the year one thousand eight hundred and sixty-two, suspending the operation of section fifty-nine of the fifty-seventh chapter of the General Statutes until the first day of April, one thousand eight hundred and sixty-two, shall continue in force until the first day of February, one thousand eight hundred sixty-three.

Sect. 1, chap. 1, of 1862, to be in force till 1st Feb., 1863.

SECTION 2. This act shall take effect upon its passage.

Approved April 8, 1862.

Chap. 110

Chap. 111

AN ACT IN RELATION TO THE VOLUNTEER MILITIA.

Be it enacted, &c., as follows:

Number of companies limited; determining number of officers, privates, etc., conferred upon U. S.

SECTION 1. The number of companies of the volunteer militia of this Commonwealth shall not exceed two hundred and fifty, and the maximum number of commissioned officers, non-commissioned officers, musicians, farriers, artificers, wagoners and privates thereof shall be the same as that now or hereafter established by the war department or the congress of the United States for the different arms of the volunteer service, to which such companies now or hereafter shall respectively belong. No new company shall be organized, if thereby the whole force will exceed twenty-five thousand officers and men.

Aggregate limited to 25,000.

Election of officers, when allowed.

SECTION 2. No election of officers shall be ordered in any company hereafter raised, unless at least seventy-five members have been enlisted therein.

Instruction in tactics and regulations, books of, how furnished and transferred.

SECTION 3. The commissioned and non-commissioned officers shall be furnished with such books of instruction in tactics and army regulations, as the commander-in-chief shall deem expedient; which books shall continue to be the property of the Commonwealth, and shall be carefully kept and delivered by such commissioned and non-commissioned officers to their successors.

Elementary drill of officers, how ordered.

SECTION 4. The commander of every regiment, battalion, and detached company may annually order out the commissioned and non-commissioned officers under his command, for elementary drill, three separate days, between the middle of May and the middle of July, instead of two days as now provided in the ninety-ninth section of the thirteenth chapter of the General Statutes.

Drill and discipline of regiments, battalions, etc., one day in May and report of inspection required.

SECTION 5. Between the first and fifteenth days of May, annually, the commander of every regiment, battalion, and detached company shall order out each company of his command for inspection, drill and discipline one day; on which day each company aforesaid shall be thoroughly inspected by such commander, or some field or staff officer of his command, by him detailed for such duty; which inspecting officer shall, within ten days after such inspection, make, through the proper officers, a full and particular report thereof to the adjutant-general. The commander of every such company shall, within said ten days, prepare a correct, alphabetical pay-roll of his company, containing the names of the members thereof, who appeared armed, uniformed and equipped, and performed the duties required on said days; and he shall, through the proper officers, transmit the same, certified under his oath to be correct and true, to the adju-

Pay-roll, commander to prepare and transmit to adjutant-general.

tant-general. And for such duty the same compensation shall be allowed and paid as for a day's duty in camp, as provided in said thirteenth chapter. Any commanding officer of a company who neglects to make out and transmit the pay-roll of his company, as aforesaid, shall forfeit twenty-five dollars, and for making out and transmitting a false pay-roll, he shall forfeit one hundred dollars, to be prosecuted for by the officer to whom the return should be made.

Compensation therefor.

Penalty for failure or false pay-roll.

SECTION 6. Each encampment, except as hereinafter provided, shall continue six days, instead of three, as now provided in the one hundred and second section of said thirteenth chapter.

Encampment to continue six days.

SECTION 7. Instead of the camp duty aforesaid, the commander-in-chief may, annually, order out said volunteer militia, or any part thereof, for inspection, drill and discipline, not exceeding six days; and he may prescribe the duties, pay-rolls and returns thereof.

Commander-in-chief may designate time, prescribe duties, etc.

SECTION 8. Nothing herein contained shall limit the number or affect the rank of officers in the two corps of cadets, attached to the first and second divisions.

Cadets, number and rank not affected.

SECTION 9. The governor, with the advice and consent of the council, is hereby authorized, after advertising for proposals therefor, to enter into contracts on behalf of the Commonwealth, for the manufacture, as soon as may be, of a sufficient number of tents to accommodate in the field six thousand of said volunteer militia.

Tents, manufacture of 6,000 authorized.

SECTION 10. All elective officers, who shall hereafter be commissioned, shall hold their offices for the term of five years from the date of their commissions respectively, and no longer; and all elective officers who have heretofore been commissioned, shall hold their offices for the term of five years from the passage of this act, and no longer. But nothing herein contained shall be so construed as to continue in office any company officer, except those provided for in the first section of this act, nor to render any officer, at the expiration of his commission, ineligible to a new election.

Elective officers, tenure of commissions defined.

SECTION 11. The eighty-fifth section of the thirteenth chapter of the General Statutes, the forty-ninth and one hundred and forty-third chapters and the eighteenth section of the two hundred and nineteenth chapter of the acts of the year eighteen hundred and sixty-one, and all other acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Repeal of statutes inconsistent herewith.

SECTION 12. This act shall take effect upon its passage.

Approved April 8, 1862.

Chap. 112 AN ACT TO AMEND THE SEVENTIETH CHAPTER OF THE GENERAL STATUTES CONCERNING RETURNS BY OVERSEERS OF THE POOR.

Be it enacted, &c., as follows:

Number and condition of paupers to be returned to secretary for year ending Sept. 30.

SECTION 1. The board of directors for public institutions in the city of Boston, and the overseers of the poor of the other several cities and towns in the Commonwealth, shall, on or before the fifteenth day of October in each year, prepare and return to the secretary of the Commonwealth a statement, under oath, of the number and condition of the paupers in such city or town, as they were during the year ending on last day of the month preceding; which return shall contain true and correct answers to the following inquiries, namely:

1. What number of persons have been relieved or supported by your town, within and out of the almshouse, during the whole or any part of the year ending September thirtieth?

2. What number have received full support in your almshouse during the whole or any part of the year?

3. What number, including children, have received full support out of the almshouse, during the whole or any portion of the year?

4. How many persons have you aided, or assisted with partial support, out of the almshouse?

5. What was the number of inmates being fully supported in your almshouse September thirtieth.

6. How many persons were being fully supported out of the almshouse?

7. How many were receiving partial support out of the almshouse?

8. What has been the average number weekly, during the year, supported in the almshouse?

9. What number of the inmates of your almshouse were unable to perform any labor?

10. How many supported or relieved in your town within and out of the almshouse were insane?

11. How many insane persons have been supported by your town in the state lunatic hospitals?

12. How many have been supported in hospitals out of the state?

13. How many supported or relieved in your town within and out of the almshouse were idiots?

14. How many idiotic persons have been supported by your town in the Massachusetts school for idiotic and feeble-minded youth?

15. What number of all those supported and relieved were made dependent by intemperance in themselves?

16. What number by intemperance in those who ought to have been their supporters?

17. Of the whole number relieved and supported, how many had a legal settlement in your town?

18. How many were naturalized citizens (of foreign birth?)

19. How many were aliens, (not naturalized?)

20. How many were born in England and Ireland?

21. How many state paupers have you sent to the state almshouses?

22. Has your town an almshouse?

23. What number of acres of land is attached to your almshouse?

24. What is the estimated present value of your almshouse property?

(1.) Value of real estate?

(2.) Value of personal property?

25. What is the average weekly cost of fully supporting a pauper in the almshouse, not including in the estimate of said cost, interest on the value of almshouse, or the income of the farm?

26. What has been the average weekly cost of the full support of a pauper out of the almshouse?

27. What is the total net amount of expense of supporting and relieving the poor in your town, within and out of the almshouse, including interest on the cost of the establishment?

28. What is the estimated value of the labor performed by the poor in your almshouse?

29. What number of persons have been provided for under section twenty-five, chapter seventy-one, of the General Statutes?

SECTION 2. The said directors and overseers shall, at the same time, prepare and return in manner aforesaid, correct statements of all children in such city or town under fourteen years of age who have been fully supported, at the public charge, during the whole or any part of the year, specifying therein the name, age and sex of each.

Children under 14 years, fully supported.

SECTION 3. The secretary of the Commonwealth shall, in the month of September, annually, furnish the said board of directors and overseers of the poor with blank forms of returns which shall contain, in substance, the foregoing interrogatories and requirements.

Secretary to furnish form of returns.

SECTION 4. The penalties and proceedings prescribed in the twenty-fourth section of chapter seventy of the General

Penalties for failure to report.

Statutes shall be held to apply in cases of refusal or neglect to comply with the requirements of this act.

Repeal.

SECTION 5. The twenty-third section of said chapter seventy is hereby repealed.

Approved April 8, 1862.

Chap. 113 AN ACT TO CHANGE THE NAME OF THE FIRST UNITARIAN CHURCH IN DANVERS.

Be it enacted, &c., as follows :

The First Unitarian Church in Danvers shall hereafter be called and known by the name of the First Unitarian Church in South Danvers.

Approved April 8, 1862.

Chap. 114 AN ACT CONCERNING THE PROBATE COURT IN THE COUNTY OF DUKES COUNTY.

Be it enacted, &c., as follows :

Time and place of sitting designated.

SECTION 1. Probate courts in and for the county of Dukes County shall be held at Edgartown on the third Mondays of January and July, and on the first Mondays of March and December ; at Holmes' Hole village in Tisbury, on the third Monday of April and the first Monday of September, and at West Tisbury, on the first Monday of June and the third Monday of October, in each year.

Repeal.

SECTION 2. So much of the one hundred and seventeenth chapter of the General Statutes as is inconsistent with this act, is hereby repealed.

Act, when in force.

SECTION 3. This act shall take effect upon the first day of July, in the year eighteen hundred and sixty-two.

Approved April 8, 1862.

Chap. 115 AN ACT CONCERNING THE REMOVAL OF ACTIONS FROM THE SUPERIOR COURT TO THE SUPREME JUDICIAL COURT.

Be it enacted, &c., as follows :

Entry fee condition of removal.

No removal of any action or petition under the provisions of chapter one hundred and fourteen, section eight, of the General Statutes, shall be made until the clerk of the supreme judicial court shall have been paid the entry fee provided by law.

Approved April 9, 1862.

Chap. 116 AN ACT CONCERNING THE WIVES OF PERSONS UNDER GUARDIANSHIP FOR INSANITY.

Be it enacted, &c., as follows :

Probate court may make allowance out of estate of insane person for support of wife.

SECTION 1. The probate court for the county in which the guardian of an insane person shall have been appointed may make an allowance out of the estate of such insane person, for the support of his wife, to be paid to her by the guardian during the continuance of the guardianship, in such manner as the court shall direct.

SECTION 2. The twenty-sixth section of the one hundred and eighth chapter of the General Statutes, is hereby repealed.

Repeal of sect. 26, chap. 108, Gen. Statutes.

SECTION 3. This act shall take effect upon its passage.

Approved April 9, 1862.

AN ACT IN RELATION TO THE EAST BOSTON WHARF COMPANY.

Be it enacted, &c., as follows :

Chap. 117

The East Boston Wharf Company is hereby authorized to connect its wharves and docks, by railroad, with the rails of the Eastern Railroad, with the consent of the owners thereof, and with the approval of the mayor and aldermen of the city of Boston.

May connect with rails of Eastern Railroad Co. on consent, with approval of mayor and aldermen.

Approved April 9, 1862.

AN ACT RELATING TO THE CLIFTONDALE RAILROAD COMPANY.

Be it enacted, &c., as follows :

Chap. 118

SECTION 1. The powers granted by the sixteenth chapter of the acts of the year eighteen hundred and sixty-one, to the Cliftondale Railroad Company, for constructing their railroad, are hereby renewed and continued in force: *provided*, the towns therein referred to shall accept said act within one year from the passage of this act.

Powers granted by act of 1861, renewed.

Proviso.

SECTION 2. The Cliftondale Railroad Company is hereby authorized to lease and operate the Middlesex Railroad and such other railroads as connect therewith at points outside the city of Boston.

May lease Middlesex and connecting roads.

SECTION 3. This act shall take effect upon its passage.

Approved April 9, 1862.

AN ACT TO INCORPORATE THE BRISTOL COUNTY CENTRAL AGRICULTURAL SOCIETY.

Be it enacted, &c., as follows :

Chap. 119

Nathan Durfee, James D. Thompson, Oliver S. Wilbur, Samuel A. Dean, Charles T. Robinson, Robert Adams, and William L. Slade, their associates and successors, of the county of Bristol, are hereby made a corporation under the name of the Bristol County Central Agricultural Society, for the encouragement of agriculture and the mechanic arts by premiums and other means; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the General Laws of the Commonwealth, respecting agricultural societies receiving no bounty from the state. And said corporation may hold and manage real estate not exceeding in value twenty-five thousands dollars, and personal estate not exceeding the same sum in value, for the purposes aforesaid: *provided, however*, said corporation shall

Corporators.

Name.

Purpose.

Powers and duties.

Real estate.

Proviso.

not be entitled to receive any bounty from the treasury of the Commonwealth.

Approved April 14, 1862.

Chap. 120

AN ACT RELATING TO RETURNS OF SAVINGS BANKS.

Be it enacted, &c., as follows :

Dividends, statement of, when declared, and average annual per cent. required.

In addition to the statements required in the annual reports of savings banks, by the one hundred and forty-eighth section of chapter fifty-seven of the General Statutes, the treasurer of each savings bank shall also state, how often by the rules of such bank extra dividends are declared, and the average annual per cent. of dividends for the _____ years ending at the time of, and including the last extra dividend.

Approved April 14, 1862.

Chap. 121

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF HARWICH AND CHATHAM.

Be it enacted, &c., as follows :

Bounds defined.

The boundary line between the towns of Harwich and Chatham is hereby established as follows : Beginning at a stone marked "H" "C," set in the ground, and is the same referred to in the perambulation of the line between said towns, made in the year eighteen hundred and sixty ; thence south into the sea. And from said stone monument northerly to a stone monument on the southerly side of Red River ; thence by said river northerly to its source ; thence northerly on the dividing line between the land of the heirs of David Eldridge and the land of Cynthia Nickerson to a stone monument marked "H" "C," set in the ground, on the south side of the county road ; thence north nine degrees east by compass, to a stone monument marked "H" "C," set in the ground on the south side of the "middle road," so called ; thence in the same course to a stone monument marked "H" "C," set in the ground on the south side of the "north county road," so called, and near the dwelling-house of the heirs of Mulford Young ; thence easterly by the road to a stone monument marked "H" "C," set in the ground near the Methodist meeting-house ; thence east thirty minutes north by compass to a stone monument marked "H" "C," set in the ground opposite the point where the eel weir, so called, formerly stood ; thence into "Muddy Cove River," and down the middle thereof to the point where it empties into "Pleasant Bay ;" thence north thirty-eight degrees and twenty minutes east (by meridian) to a point in said "Pleasant Bay" where the line between Chatham and Orleans and the line between Harwich and Orleans intersect, at the north-westerly corner of the town of Chatham.

Approved April 14, 1862.

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF CHATHAM AND ORLEANS. *Chap. 122*

Be it enacted, &c., as follows :

The boundary line between the towns of Chatham and Orleans is hereby established as follows: Beginning at a rock standing in the water on the most northerly point of Strong Island, marked "C" on the south side, and "O" on the north side; thence south about seventy-two degrees east by compass, to a stone monument marked "C" on the south side, and "O" on the north side, standing on the meadow near the beach; thence in the same direction across the beach to the sea; and from said rock standing on the most northerly point of said Strong Island, running west one degree north, (with the true meridian,) to a point in the middle of "Pleasant Bay" where said line intersects a line extending south thirty-two degrees and twenty minutes east, (with the true meridian) from a stone monument standing on the bank at the south-east corner of the town of Brewster.

Bounds defined.

Approved April 14, 1862.

AN ACT CONCERNING PRIVATE RAILROAD CROSSINGS.

Chap. 123

Be it enacted, &c., as follows :

SECTION 1. Whoever enters upon or crosses a railroad, at any private way which is closed by gates or bars, and neglects to securely close them, shall forfeit for every such offence a sum not less than two, nor more than ten dollars, and shall be liable for any damage that may be sustained therefrom.

Penalty for neglect to close gates or bars.

SECTION 2. The penalty provided in this act may be recovered on complaint before a justice of the peace.

How recovered.

Approved April 19, 1862.

AN ACT TO EXTEND THE TIME FOR THE LOCATION AND CONSTRUCTION OF THE AGRICULTURAL BRANCH RAILROAD.

Chap. 124

Be it enacted, &c., as follows :

The time for the location and construction of the Agricultural Branch Railroad is hereby extended three years from the first day of July next.

Three years from July 1, '61.

Approved April 19, 1862.

AN ACT TO INCORPORATE THE JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY.

Chap. 125

Be it enacted, &c., as follows :

Nathaniel Harris, James P. Thorndike, Gerry W. Cochran, their associates and successors, are hereby made a corporation by the name of the John Hancock Mutual Life Insurance Company, to be established and located in the city of Boston, for the purpose of making insurance upon lives;

Corporators.

Name.

Powers and duties.

with all the powers and privileges, and subject to the duties, liabilities and restrictions set forth in so much of the fifty-eighth chapter of the General Statutes as relates to mutual life insurance companies, and all other acts which are or may be in force relative to such companies.

Approved April 21, 1862.

Chap. 126 AN ACT TO EXTEND THE TIME FOR LOCATING AND CONSTRUCTING THE MIDLAND RAILROAD.

Be it enacted, &c., as follows:

Extension two years.

SECTION 1. The time within which the Midland Railroad Company may complete the construction of that portion of its road described in the second section of the one hundred and ninety-fourth chapter of the acts of the year eighteen hundred and forty-nine, being an "Act to incorporate the Southbridge and Blackstone Railroad Company," is hereby extended two years: *provided*, that all persons whose lands or other property have been taken for the purposes of this road shall be allowed one year after the entire road is completed and opened for use, within which to apply to the county commissioners to estimate their damages, notwithstanding that the time for making such applications may have expired under existing or previous provisions of law.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved April 21, 1862.

Chap. 127 AN ACT RELATING TO THE CLASSIFICATION OF PRISONERS IN HOUSES OF CORRECTION.

Be it enacted, &c., as follows:

Sheriffs may classify, subject to revision of county commissioners.

SECTION 1. If there are several houses of correction in a county, the sentence of prisoners shall be to either house of correction therein, and the sheriff may classify the convicts and place them in either house; such classification being subject to the revision of the county commissioners at their next subsequent meeting.

Accommodations for reading required.

SECTION 2. In the assignment of cells to prisoners in any house of correction, due regard shall be had to the accommodation of those who are able and desirous to read; and from the first day of October to the first day of April annually, such provision of light shall be made for all such prisoners confined to labor during the day, as shall enable them to read for at least one hour each evening.

Repeal.

SECTION 3. The eighth section of the one hundred and seventy-eighth chapter of the General Statutes is hereby repealed.

Approved April 21, 1862.

AN ACT TO EXTEND THE TIME FOR LOCATING AND CONSTRUCTING THE NEW YORK AND BOSTON RAILROAD. *Chap. 128*

Be it enacted, &c., as follows :

SECTION 1. The time within which the New York and Boston Railroad Company may complete the location and construction of so much of its road as is described in the first section of the four hundredth chapter of the acts of the year eighteen hundred and fifty-five, being an "Act to authorize the Charles River Railroad Company further to extend their line," is hereby extended two years.

Extension two years.

SECTION 2. All persons whose lands or other property have been taken for the purposes of this road, shall be allowed one year after the entire road is completed and opened for use, within which to apply to the county commissioners to estimate their damages, notwithstanding that the time for making such applications may have expired under existing or previous provisions of law.

Claimants for damages allowed one year to apply for estimates.

SECTION 3. This act shall take effect upon its passage.

Approved April 21, 1862.

AN ACT TO INCORPORATE THE DEDHAM HISTORICAL SOCIETY.

Chap. 129

Be it enacted, &c., as follows :

Alvan Lamson, Danforth P. Wight, Jonathan H. Cobb, Calvin Guild, Henry O. Hildreth, Henry W. Richards, and Erastus Worthington, their associates and successors, are hereby made a corporation by the name of the "Dedham Historical Society," for the purpose of collecting and preserving such books, newspapers, records, pamphlets and traditions, as may tend to illustrate and perpetuate the history of New England, and especially the history of the town of Dedham; with all the powers and privileges, and subject to all the liabilities contained in the sixty-eighth chapter of the General Statutes of this Commonwealth: and, for the purposes aforesaid, they may hold real and personal estate to an amount not exceeding five thousand dollars.

Corporators.

Name.

Purpose.

Powers and duties.

Real and personal estate.

Approved April 23, 1862.

AN ACT IN RELATION TO CHECKS UPON BANKS, AND TO CERTAIN ORDERS AND DRAFTS. *Chap. 130*

Be it enacted, &c., as follows :

SECTION 1. No days of grace shall be allowed upon any check drawn upon a bank.

No grace upon checks.

SECTION 2. Orders and drafts for money, payable within this state, in which no time of payment is expressed, shall be deemed to be payable on demand.

Orders and drafts payable at sight.

SECTION 3. This act shall take effect upon its passage.

Approved April 23, 1862.

Chap. 131

AN ACT CONCERNING INJUNCTIONS.

Be it enacted, &c., as follows :

Discretion of justice S. J. C. to determine proceedings upon application.

SECTION 1. In case of application by any public officer or officers to any justice of the Supreme Judicial Court for an injunction against any corporation, it shall be discretionary with said justice either to issue said injunction forthwith, or to give previous notice to the corporation and to cause a hearing to be had on complaint and answer, or otherwise as in ordinary proceedings in equity, before determining whether an injunction shall be issued.

SECTION 2. This act shall take effect upon its passage.
Approved April 23, 1862.

Chap. 132

AN ACT TO AMEND THE ACT ESTABLISHING THE POLLS AND ESTATES OF THE SEVERAL CITIES AND TOWNS OF THE COMMONWEALTH OF MASSACHUSETTS.

Be it enacted, &c., as follows :

Act of 1861 amended.

SECTION 1. The act establishing the polls and estates of the several cities and towns of the Commonwealth, approved March twenty-eighth, one thousand eight hundred and sixty-one, is amended in the schedule of the county of Bristol as follows :

Pawtucket.

So much of said schedule as relates to the town of Pawtucket, is repealed.

Fall River.

So much of said schedule as relates to the city of Fall River, is amended so as to stand :

	Polls.	Property.	Tax of \$1,000, including Polls at half a mill each.
Fall River,	4,118	\$12,823,746 00	\$14 22

Seekonk.

So much of said schedule as relates to the town of Seekonk, is amended so as to stand :

	Polls.	Property.	Tax of \$1,000, including Polls at half a mill each.
Seekonk,	241	\$467,511 00	\$0 56

County of Bristol.

And the footings of the schedule of said county is amended so as to stand :

22,065	\$65,295,826 00	\$72 95
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SECTION 2. This act shall take effect upon its passage.
Approved April 23, 1862.

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF
EDGARTOWN AND TISBURY. Chap. 133

Be it enacted, &c., as follows:

The boundary line between the towns of Edgartown and Tisbury is hereby established as follows: Beginning at the harbor of Holmes' Hole, and running by the middle of the canal, through the beach, and by the channel up Lagoon Pond to a large stone placed at the "stepping stones," so called; thence north, thirty-five degrees fifty-two minutes thirty seconds west, five hundred and fourteen rods, to a point fifty-two rods south, eight degrees forty-five minutes east, from Tashmo Spring; thence south, eight degrees forty-five minutes east, thirteen hundred and sixty-two rods, to a point on the north side of the mill road; thence south, two degrees thirty minutes east, seven hundred and eighty-eight rods, to a stone monument on Watcha Neck; thence on the same course to the sea. Said lines are based upon lines and angles on and with the true meridian. Bounds defined.

Approved April 23, 1862.

AN ACT TO ESTABLISH THE STANDARD WEIGHT OF TIMOTHY OR
HERDS-GRASS SEED. Chap. 134

Be it enacted, &c., as follows:

SECTION 1. The standard weight of timothy or herds-grass seed shall be forty-five pounds per bushel; and all contracts for the sale and delivery of herds-grass seed shall be made by this standard. Forty-five pounds per bushel.

SECTION 2. Whoever violates the provisions of the first section of this act, shall forfeit and pay a sum not exceeding twenty dollars for every such offence. Penalty for violation.

SECTION 3. This act shall take effect upon the first day of June next. Act, when in force.

Approved April 23, 1862.

AN ACT CONCERNING RAILROAD RETURNS AND REPORTS. Chap. 135

Be it enacted, &c., as follows:

SECTION 1. So much of the one hundred and thirty-second section of the sixty-third chapter of the General Statutes, as requires the directors of railroad corporations to transmit to the secretary of the Commonwealth one thousand printed copies of their annual reports, is hereby repealed. Requirement for transmission of printed copies repealed.

SECTION 2. The secretary shall cause the reports of the several railroad corporations transmitted to him, to be printed in a uniform manner, with an abstract of the same; and he shall cause in addition, such a number as he shall deem expedient, to be bound in a substantial volume, one copy of which shall be furnished to each member of the legislature Secretary to cause printing, binding and distribution.

for the time being, and to each railroad corporation applying for the same.

Each corporation to pay treasurer, annually, ten dollars.

SECTION 3. Each railroad corporation required to make returns, shall pay annually into the treasury of the Commonwealth the sum of ten dollars, which money shall be appropriated to the payment of the expenses incurred in the printing and binding of the reports as aforesaid.

Approved April 25, 1862.

Chap. 136

AN ACT TO ESTABLISH THE WRENTHAM BRANCH RAILROAD.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. W. Fox Richardson, Daniel A. Cook, Artemas Aldrich, Thomas Proctor, Hervey E. Clap, O. S. Sanford, their associates and successors, are hereby made a corporation, by the name of the Wrentham Branch Railroad Corporation, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixty-third and sixty-eighth chapters of the General Statutes, and all other general laws which have been or shall hereafter be passed, relative to railroad corporations.

Powers and duties.

Location and construction authorized, and route defined.

SECTION 2. Said corporation is hereby authorized and empowered to locate, construct and maintain a railroad with one or more tracks from some convenient point in or near the Plainville village in Wrentham, through or near the central village in said Wrentham to some convenient point on the Norfolk County Railroad, or Midland Railroad, and to enter with its railroad, by proper turnouts and switches, upon the Norfolk County Railroad, or Midland Railroad at the point aforesaid, and to use the same, or any part thereof, according to the provisions of law.

Capital : limitation of shares.

SECTION 3. The capital stock of said corporation shall not exceed five hundred and fifty shares, the number of which shall be determined from time to time by the directors of said corporation ; and no assessment shall be laid thereon of a greater amount in the whole, than one hundred dollars on each share ; and the said corporation may purchase and hold such real estate as may be necessary for the purposes of its incorporation.

Real estate.

Limitations of time for filing location and constructing.

SECTION 4. If the location of this road be not filed within two years, and if said railroad be not constructed within three years from the passage of this act, then this act shall be void.

Disposition of franchise authorized.

SECTION 5. Said corporation is hereby authorized to dispose of its franchise, with all its rights under this act, to the Norfolk County Railroad Company, or to the Midland Railroad Company, on such terms as shall be agreed upon

by said corporations respectively; and if said Wrentham Branch Railroad Corporation shall thus transfer its franchise and rights to the Norfolk County Railroad Company, or to the Midland Railroad Company, the corporation purchasing such franchise is hereby authorized to increase its capital stock by the sum of fifty-five thousand dollars.

In case of transfer increase of capital authorized.

SECTION 6. This act shall take effect upon its passage.

Approved April 25, 1862.

AN ACT RELATING TO FEES RECEIVED AND ACCOUNTS RENDERED BY
REGISTERS OF INSOLVENCY.

Chap. 137

Be it enacted, &c., as follows:

The register of the court of insolvency in each county, shall keep a cash docket of all cases in court, which shall at all reasonable times be open to the inspection of the public; and the judge shall audit the register's quarterly accounts, and direct what sums shall be paid over to the treasurer of the Commonwealth.

Cash docket to be kept by register, and audited by judge.

Approved April 25, 1862.

AN ACT IN ADDITION TO AN ACT CONCERNING CONTAGIOUS DISEASES
AMONG CATTLE.

Chap. 138

Be it enacted, &c., as follows:

SECTION 1. The commissioners on contagious diseases among cattle are hereby authorized to examine under oath, in the several cities and towns of this Commonwealth, all persons possessing, or believed to possess knowledge of any material facts concerning the existence, or dissemination, or danger of dissemination of diseases among cattle: and for this purpose shall have and exercise all the powers vested in justices of the peace to take depositions, and to compel the attendance and the testifying of witnesses, by the one hundred and thirty-first chapter of the General Statutes, and any other laws concerning the taking of depositions. And all costs and expenses incurred in procuring the attendance of such witnesses shall be allowed and paid to the said commissioners from the treasury of the Commonwealth, upon the same being certified to the governor and council, and approved by him. And the governor is hereby authorized to draw his warrant therefor upon the treasury, the same to be paid out of any appropriation lawfully applicable to that purpose.

Commissioners may require testimony under oath.

Costs and expenses, how allowed.

SECTION 2. Whenever cattle exposed to contagious diseases are killed by order of the commissioners, and upon a post mortem examination shall be found to have been entirely free from disease, it shall be the duty of the commissioners to cause the same to be sold under their direction, first giving to the purchaser notice of the fact; and if the said

Slaughtered cattle may be sold by direction of commissioners, and proceeds applied in payment of value.

purchaser or any other person shall sell said slaughtered cattle, or any part thereof, they shall in like manner give notice to the parties to whom the same is sold, and the proceeds of the sales made by order of the commissioners shall be applied in payment of the appraised value of said cattle.

Commissioners to report doings and abstract of to be printed.

SECTION 3. Cattle commissioners now or hereafter appointed, shall keep a full record of their doings, and report the same to the legislature on or before the tenth day of January in each year, unless sooner required by the governor; and an abstract of the same shall be printed in the annual report of the state board of agriculture.

Penalty for violation.

SECTION 4. Whoever violates any of the provisions of this act shall forfeit and pay a fine not exceeding one hundred dollars and the costs of prosecution.

SECTION 5. This act shall take effect upon its passage.

Approved April 25, 1862.

Chap. 139

AN ACT CONCERNING GUARDIANS AND WARDS.

Be it enacted, &c., as follows:

Guardian may sell property of non-resident ward, and transfer proceeds.

SECTION 1. When a person under guardianship removes out of this state, or resides out of this state and has a guardian appointed within this state, his guardian may sell the real estate of his ward and pay over the whole or any part of the proceeds, and may pay over and transfer the whole or any part of his personal estate to any guardian, trustee or committee, appointed by competent authority in the state or country within which the ward resides, upon such terms and in such manner as the supreme judicial court, sitting in any county, upon bill or petition filed therefor, shall decree.

Repeal.

SECTION 2. The twenty-third section of the one hundred and ninth chapter of the General Statutes, and chapter one hundred and thirty of the acts of the year eighteen hundred and sixty-one, are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 25, 1862.

Chap. 140

AN ACT TO REPEAL "AN ACT IN RELATION TO THE FLOWAGE OF THE MEADOWS ON CONCORD AND SUDBURY RIVERS."

Be it enacted, &c., as follows:

SECTION 1. Chapter two hundred and eleven of the acts of the year eighteen hundred and sixty, is hereby repealed.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1862.

AN ACT CONCERNING CIVIL ACTIONS BEFORE JUSTICES OF THE PEACE.

Chap. 141

Be it enacted, &c., as follows :

SECTION 1. When a justice of the peace before whom any civil action has been commenced, dies after the service of the writ, either by attachment of property or by a service on any defendant therein named, the plaintiff may enter the action before any other justice of the peace for the same county, who may proceed in the case as if the writ had been originally issued with his signature, except as hereinafter provided.

Death of justice to authorize transfer of case by plaintiff to another, who may continue.

SECTION 2. When a justice of the peace before whom any civil action has been entered, and is pending, dies before the final judgment in the case has been rendered by him, any other justice of the peace in the same county may, upon the application of any one of the parties to the action, cause the papers in the case to be brought and entered before him ; and he may thereupon proceed in the action in the same manner as if it had been originally entered before him, except as hereinafter provided.

Upon application of either party before final judgment papers may be entered before other justice.

SECTION 3. Whenever an action shall be entered as provided in the first section, or when the papers in a case are brought and entered as provided in the second section, the justice of the peace before whom the case is so entered shall issue notice to the other party or parties to the action, that they may appear before him, which notice shall be served in the manner prescribed by law for the service of writs returnable before justices of the peace ; and no proceedings shall be had in the case until such notice has been given as shall be ordered in the case.

Upon re-entry of action or papers, justice to notify parties.

SECTION 4. The justice before whom any civil action shall be entered as before provided, shall have all the powers given in the thirtieth section of the one hundred and twentieth chapter of the General Statutes, to compel the production before him of the papers in any case arising under the second section.

Powers of justice in cases arising under second section.

Approved April 25, 1862.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY.

Chap. 142

Be it enacted, &c., as follows :

SECTION 1. The time within which the provisions of the fourth section of chapter one hundred and eighty-three of the acts of the year eighteen hundred and sixty-one, relative to the Massachusetts Institute of Technology are limited, is hereby extended one year from the passage hereof.

Limitation of time in sect. 4, ch. 183 of 1861, extended one year.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1862.

Chap. 143 AN ACT TO AUTHORIZE THE SALEM STREET CONGREGATIONAL SOCIETY TO SELL ITS MEETING-HOUSE, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

May sell property and purchase other.

SECTION 1. The Salem Street Congregational Society is hereby authorized to sell and convey by deed its land and meeting-house, situated at the corner of Salem and North Bennet Streets, in Boston, and to use the proceeds of such sale, after paying the debts of said society, if any, to purchase any other church edifice or property in said Boston, for the use of said society, as its meeting-house; and persons who after such purchase, shall become proprietors of pews in any meeting-house so purchased, shall be members of said corporation.

Subsequent pew owner to be member of corporation.

Pews may be appraised, and proprietors compensated.

SECTION 2. Prior to any such sale and purchase, the pews in the meeting-house now belonging to said society may be appraised, and the proprietors of the same, in case of such sale, may be compensated therefor in the manner provided by the thirty-fifth and thirty-sixth sections of chapter thirty of the General Statutes, in the case of selling and re-building a meeting-house, or of taking down and re-building pews in any meeting-house.

SECTION 3. This act shall take effect upon its passage.

Approved April 25, 1862.

Chap. 144 AN ACT IN RELATION TO COSTS UPON JUDGMENTS AGAINST THE COMMONWEALTH.

Be it enacted, &c., as follows :

State and county treasurers to pay upon attested copies of judgments.

SECTION 1. In cases where judgments for costs are rendered against the Commonwealth, the treasurer of the county, to which the costs of such cases would have been paid under the existing provisions of law, if the judgments had been in favor of the Commonwealth, shall pay the same upon the production of attested copies of such judgments; but in all cases in which the costs would have been paid in to the treasury of the Commonwealth, if the judgment had been in favor of the Commonwealth, the state treasurer shall pay the same upon the production of attested copies of such judgments.

Repeal.

SECTION 2. The nineteenth section of the one hundred and fifty-sixth chapter of the General Statutes, is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 25, 1862.

Chap. 145 AN ACT CONCERNING INSURANCE COMPANIES.

Be it enacted, &c., as follows :

Commissioners may apply to S.

SECTION 1. Whenever upon examination the insurance commissioners are of opinion that any insurance company,

incorporated under the laws of this Commonwealth, has exceeded its powers, or failed to comply with any of the rules, restrictions, or conditions provided by law, they may apply to a justice of the supreme judicial court to issue an injunction restraining such company in whole or in part from further proceeding with its business until after a full hearing can be had; and the provisions of the sixth section of the fifty-eighth chapter of the General Statutes are hereby extended to proceedings under this act.

J. court for injunction.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1862.

AN ACT TO AUTHORIZE INTEREST ON CERTAIN TAXES.

Be it enacted, &c., as follows:

In all cases where a time shall be fixed by any town or city within which taxes assessed therein shall be paid, interest, at the rate of six per cent. in all cases, or at a rate not exceeding one per cent. per month, if at the meeting when money is raised or granted any town, or the city council of any city shall so vote, shall be charged upon all taxes which remain unpaid from and after the time so fixed until the same shall be paid; and such interest shall be added to and be considered a part of such taxes: and all provisions of law relative to the collection of the original taxes, shall likewise apply to the interest charged thereon under this act.

Approved April 25, 1862.

Chap. 146

Taxes not paid during limitation established to have interest added, not exceeding ten per cent.

AN ACT TO RATIFY CERTAIN ACTS OF THE GOVERNOR AND COUNCIL, AND TO INCREASE THE UNION FUND.

Be it enacted, &c., as follows:

SECTION 1. All contracts, obligations, expenditures and payments made, and acts done, by the governor and council, in the execution of the powers conferred by the two hundred and sixteenth chapter of the acts of the year eighteen hundred and sixty-one, are hereby approved, ratified and confirmed.

Acts under chapter 216, of 1861, confirmed.

SECTION 2. The sum of six hundred thousand dollars is hereby added to the amount of the union fund, created by the fifth section of the said chapter, and further issues of scrip, not exceeding that amount, may be made under the provisions of said chapter, the proceeds of which are hereby appropriated to fund the debts heretofore incurred in the execution of the powers aforesaid, beyond the amounts realized from the scrip originally authorized by the said chapter.

Union fund increased and issue of scrip authorized to fund debts.

SECTION 3. All provisions of law relative to the said union fund, including the provisions of the two hundred

Statutes relating to Union fund to apply to increase.

and ninth chapter of the acts of the year eighteen hundred and sixty-one, creating a sinking fund, shall in like manner apply to the increase thereof hereby directed.

SECTION 4. This act shall take effect upon its passage.

Approved April 25, 1862.

Chap. 148 AN ACT CONCERNING THE POLICE COURT OF THE CITY OF WORCESTER.
Be it enacted, &c., as follows:

Repeal of sections
18 and 19 of ch.
116 Gen. Stat.

SECTION 1. The provisions of sections eighteen and nineteen of chapter one hundred and sixteen of the General Statutes, so far as the same make the jurisdiction of the police court of the city of Worcester in civil actions and proceedings exclusive, are hereby repealed.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1862.

Chap. 149 AN ACT TO UNITE THE OLD COLONY AND FALL RIVER RAILROAD COMPANY WITH THE NEWPORT AND FALL RIVER RAILROAD CORPORATION.

Be it enacted, &c., as follows:

Union autho-
rized.

SECTION 1. The Old Colony and Fall River Railroad Company is hereby authorized by a vote of its stockholders, to unite with the Newport and Fall River Railroad Corporation,—a corporation duly established by the laws of the state of Rhode Island,—and form one corporation under the name of the Old Colony and Newport Railway Company, with a capital not exceeding the amount of the joint capital of both companies; and all tolls, franchises, rights, powers, privileges and property, granted or to be granted, acquired or to be acquired, under the authority of the state of Rhode Island and of this Commonwealth, shall be held, exercised and enjoyed by said company so formed, and the stockholders in each of said corporations shall hold the same number of shares in said new corporation as they held in the old corporations: and if the said corporations shall vote to unite and form one corporation as aforesaid, the directors of said Old Colony and Fall River Railroad Company shall forthwith cause a meeting to be called of the stockholders in said new corporation, for the choice of officers for the same, by giving to the stockholders in each of the old corporations, the notice required for a meeting of stockholders by the by-laws of said old corporations, of which said stockholders were members before the union.

Officers, how
chosen.

Expenditures
and receipts,
commissioners
appointed by
governors to de-
termine propor-

SECTION 2. Said companies when united, so as to become one company, shall keep separate accounts of the expenditures and receipts in each state; and two commissioners shall be appointed, one by the governor of each state, to hold

their offices for the term of four years, and to be reasonably compensated by said company; and said commissioners shall decide what proportion of all the expenditures and receipts properly pertain to that part of the railroad lying in each state respectively, and their certificate thereof shall be annexed to the annual report required to be made to the legislature of this state.

tion of in R. I. and Mass.

SECTION 3. If said corporations shall be united into one corporation as aforesaid, one or more of the officers thereof shall at all times reside in each of said states, on whom all processes against said company, and notices to the same, may be legally served; and said company shall be held to answer within the jurisdiction where service is legally made and the process legally returnable.

One or more officers to reside in each State.

SECTION 4. This act shall take effect upon its passage.

Approved April 25, 1862.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE PROPRIETORS OF LOCKS AND CANALS ON CONNECTICUT RIVER, AND THE SEVERAL ACTS IN ADDITION THERETO.

Chap. 150

Be it enacted, §c., as follows:

SECTION 1. From and after the first day of April in the year eighteen hundred and sixty-three, the proprietors of locks and canals on Connecticut River shall be relieved from all obligation to keep their locks and canals in repair, and maintain the same as a navigable highway, except as hereinafter provided.

Proprietors relieved from maintaining as highway.

SECTION 2. If any person or persons previously to said first day of April, shall accept a lease of all the navigable portions of said locks and canals, together with all the lands adjoining the same, which are now used and enjoyed by the said proprietors in navigating said locks and canals, for a term not less than five years, and shall execute and deliver to said proprietors or their successors or assigns a good and sufficient bond, with sufficient sureties, in a sum not less than fifteen thousand dollars, the form and substance thereof to be approved by any judge of the superior court, in case the parties cannot agree, with the conditions that the said lessee or lessees shall keep so much of said locks and canals as lie below the guard lock and guard gates, in as good repair as the same now are, and open for navigation, also to save said proprietors or their successors and assigns harmless from all damages that may occur by reason of the insufficiency or mismanagement of said locks and canals or of negligence in the navigation thereof, and from all expense, damage and trouble in the navigation thereof, then it shall

In case leased before April 1, locks and canals to be maintained

be the duty of the said proprietors or their successors or assigns to allow the said locks and canals to be maintained as a navigable highway until the expiration of said lease.

Proprietors to grant lease, on application, free from rent.

SECTION 3. The said proprietors, or their successors or assigns, are hereby authorized and required to execute and deliver to any person or persons who may apply for the same previously to said date, and comply with all the foregoing conditions, a sufficient lease of the navigable portion of the said locks and canals free from any rent or payment, together with all the lands adjoining the same, now used by the said proprietors in navigating said locks and canals, for a period not less than five years.

Rights of lessee.

SECTION 4. The said lessee or lessees shall have all the rights of the said proprietors or their successors or assigns in the collection of tolls upon said locks and canals.

Duties and liabilities of proprietors to lessee.

SECTION 5. It shall be the duty of the said proprietors, or their successors or assigns, to keep their guard gates and guard lock in good repair, and to allow the said lessee or lessees uninterrupted use of the navigation thereof, as fully as the said proprietors now use or occupy the same; and the said lessee or lessees are not to be held liable for any repairs, expense or defects whatsoever thereon.

Lease may be renewed.

SECTION 6. If before the expiration of the term of said lease, the said lessee or lessees or any other parties shall offer to take a further lease of said locks and canals upon the same terms, as herein before provided, for an additional term of five, ten, or fifteen years, and shall comply with all said terms, the said proprietors or their successors or assigns shall execute such additional lease. *Approved April 26, 1862.*

Chap. 151 AN ACT IN AID OF FAMILIES OF SEAMEN IN THE UNITED STATES NAVY. *Be it enacted, &c., as follows:*

Cities and towns may raise and apply money.

SECTION 1. Any town or city may raise money by taxation, and apply the same, in cases of necessity, under the direction of their selectmen, or the mayor and aldermen, respectively, in aid of the wife and minor children of such persons as shall be in actual service, as seamen, in the United States Navy.

May aid widows and minor children.

SECTION 2. Such aid may be given in the same manner, to the widow and minor children of such seamen, named in the first section, as have died or shall hereafter die, in such actual service.

Reimbursement from State prohibited.

SECTION 3. No reimbursement shall be made from the State, to any city or town, for any aid furnished under this act.

SECTION 4. This act shall take effect upon its passage.

Approved April 26, 1862.

AN ACT TO AMEND THE STATUTE RELATING TO THE OBSERVANCE OF
THE LORD'S DAY. Chap. 152

Be it enacted, &c., as follows:

The provisions of the first section of the eighty-fourth chapter of the General Statutes shall apply to any person who is present at any game on the Lord's day. General Statutes amended.

Approved April 26, 1862.

AN ACT IN ADDITION TO AN ACT FOR THE REGULATION OF SUITS AT
LAW AFFECTED BY THE ESTABLISHMENT OF THE BOUNDARY LINE
BETWEEN THE STATES OF MASSACHUSETTS AND RHODE ISLAND,
AND FOR OTHER PURPOSES. Chap. 153

Be it enacted, &c., as follows:

SECTION 1. Whenever, anterior to the first day of March last, final judgment or decree shall have been rendered in the proper courts of the state of Rhode Island, in any case at law or in equity, affecting rights of person or property in the territory which by decree of the supreme court of the United States, ceased on that day to be subject to the jurisdiction of the state of Rhode Island and became subject to the jurisdiction of this Commonwealth, and execution had not anterior to that day been issued or fully served and returned, in every such case the said judgment or decree shall be deemed to have the same legal force as if no such change of jurisdiction had taken place, and any bail taken in the said case, or lien acquired, or attachment made, shall be deemed in law to continue and be held as effectually as if such suit had been prosecuted in, and such judgment had been rendered by, the proper courts of this Commonwealth; and if, on such decree or judgment, no execution had issued anterior to the said first day of March, then the party or parties interested therein may enter the same in the supreme judicial court in the county of Bristol, and sue out execution or any other lawful process therein, in the same manner and under the same conditions and to the same effect as is provided in respect of other judgments of the courts of the state of Rhode Island in the third section of the act to which this act is in addition: *provided*, that to secure liens or attachments on any such judgment in which execution had not issued anterior to said first day of March, said judgment shall be entered as aforesaid and order for execution obtained within three months from this date; and if execution had already issued, the same shall be entered in the time and manner hereinafter prescribed for giving effect to such executions in this Commonwealth.

Judgments and decrees rendered before March 1, to have same force as if jurisdiction had not changed.

Execution not having issued, party may enter in county of Bristol.

Proviso.

SECTION 2. If execution or other process shall have been issued on any such judgment by the courts of the state of

Execution having issued, service may be made un-

der laws of Rhode
Island, and have
full effect.

Provisos.

Rhode Island prior to said first day of March, the same may be served or service thereof completed in accordance with the laws of the state of Rhode Island, and levy or sale under such execution shall be deemed to have the same legal effect to pass title and for all other purposes, and rights against bail may be enforced as effectually as if no change of jurisdiction had occurred and the said execution had been served and all rights under said judgment consummated in the state of Rhode Island: *provided*, that the party or parties interested in such execution shall, within three months from this date, enter the same in the clerk's office of the supreme judicial court in the county of Bristol, and obtain an order of the said court or any justice thereof, in term time or vacation, authenticating the said execution and giving effect to the same within this Commonwealth; and *provided, also*, that the said execution or a copy thereof shall be duly returned to the clerk's office of the court of the state of Rhode Island from which it issued, and also of the supreme judicial court of this Commonwealth for the county of Bristol, and the execution and return shall be duly recorded as required by the laws of this Commonwealth.

SECTION 3. This act shall take effect upon its passage.

Approved April 26, 1862.

Chap. 154 AN ACT TO INCORPORATE THE FOXBOROUGH BRANCH RAILROAD CORPORATION.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Willard Manuel, Daniels Carpenter, Otis Cary, Erastus R. Carpenter, Truman Clarke, William B. Bates, Virgil S. Pond, Nathaniel Cook, James E. Carpenter, their associates and successors, are hereby made a corporation, by the name of the Foxborough Branch Railroad Corporation, with all the powers and privileges, and subject to all the liabilities, restrictions and duties, set forth in the sixty-third and sixty-eighth chapters of the General Statutes, and in all statutes which have been or may hereafter be passed, relating to railroad corporations.

Powers and duties.

May maintain
road from Mans-
field to Walpole.

SECTION 2. Said company is hereby authorized and empowered to locate, construct and maintain a railroad with one or more tracks, from some convenient point in the town of Mansfield, at or near the junction of the Taunton Branch and Boston and Providence Railroads through the towns of Mansfield, Foxborough and Walpole, to some convenient point on the Midland Railroad in the town of Walpole.

SECTION 3. The capital stock of said company shall consist of not more than one thousand shares, the number of which shall be determined from time to time by the directors thereof; and no assessment shall be laid thereon of a greater amount in the whole than one hundred dollars on each share; and said company may purchase and hold such real estate, and such engines, cars and other things, as may be necessary for the use of said railroad and for the transportation of passengers, goods and merchandise thereon.

Capital.

Assessments.

Real estate and other property.

SECTION 4. If the location of said railroad be not filed according to law within two years, and if the same shall not be completed within four years from the passage of this act, then this act shall be void.

Location and completion, limitation for.

SECTION 5. Said company is hereby authorized to enter upon and connect its railroad by proper means, with the Midland Railroad, and to use the same agreeably to the provisions of law.

May connect with Midland road.

SECTION 6. Said Foxborough Branch Railroad Company is hereby authorized to lease its road to the said Midland Railroad Corporation, upon such terms and conditions as the directors of the contracting companies may agree upon.

May lease to same.

SECTION 7. This act shall take effect upon its passage.

Approved April 26, 1862.

AN ACT TO AUTHORIZE THE FITCHBURG RAILROAD COMPANY TO EXTEND ITS ROAD.

Chap. 155

Be it enacted, &c., as follows:

SECTION 1. The Fitchburg Railroad Company is hereby authorized to extend its railroad from the present terminus at or near Sweet's Wharf, in Charlestown, in the same general direction, to some convenient point at or near the navy yard in said Charlestown, with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the acts relating to railroad corporations.

May extend in Charlestown.

Powers and duties.

SECTION 2. If the location of said extension be not filed within two years from the passage of this act, or said extension be not completed within three years, this act shall be void.

Location and completion, limitation for.

Approved April 26, 1862.

AN ACT PROVIDING FOR THE MORE SPEEDY COMPLETION OF THE TROY AND GREENFIELD RAILROAD AND HOOSAC TUNNEL.

Chap. 156

Be it enacted, &c., as follows:

SECTION 1. The governor, with the advice of the council, is hereby authorized and directed to appoint three able, impartial and skilful commissioners to investigate the subject of finishing the Troy and Greenfield Railroad, and of tunnelling the Hoosac Mountain, whose duty it shall be to report

Governor to appoint commissioners to investigate and report.

to the governor and council what, in their judgment, will be the most economical, practical and advantageous method of completing said road and tunnel, the estimated cost of fitting the same for use, the time within which the tunnel can be completed, and what contracts can be effected, and with what parties, for completing said tunnel and road, and the probable cost of the same, the probable pecuniary value of the road and tunnel when completed, the sources and amount of traffic and income, and all other facts in their opinion useful to assist the governor and council in determining the best method of securing a continuous railroad communication between Troy and Greenfield.

Company may surrender mortgaged property to state, saving right of redemption.

Commissioners to take possession under mortgages to Commonwealth, and cause road to be completed.

SECTION 2. The Troy and Greenfield Railroad Company is hereby authorized to surrender to the state, the property now mortgaged; but the right of redemption shall not be barred until ten years have elapsed after said road and tunnel are completed and the same open for use. The said commissioners shall immediately, in the name of the Commonwealth, take complete possession under the mortgages to the Commonwealth, given by the Troy and Greenfield Railroad Company, of all property, rights and interests intended to be conveyed by said mortgages, or either of them, and then shall, without unnecessary delay, cause the said railroad to be completed and put into running order, and supplied with suitable depots, turn-tables and other usual and necessary appliances for the reception of freight and passenger cars, from the eastern terminus of the Troy and Greenfield Railroad to the Hoosac Tunnel.

To allow claims for labor, materials, etc., release attachments and discharge liens.

Gov'rnor may approve accounts and draw warrants.

SECTION 3. Said commissioners shall audit and allow all just claims for labor, service, materials, land-damages incurred after April sixth, eighteen hundred and sixty, and before July twelfth, eighteen hundred and sixty-one, in carrying on the work of constructing the Troy and Greenfield Railroad and Hoosac Tunnel, and may procure the release of all attachments and discharge all liens on said materials. The accounts thus audited shall be transmitted to the governor, and, if approved by the governor and council, the governor is hereby directed to draw his warrant upon the treasurer in favor of the claimants, for the amounts thus allowed, to an amount not exceeding one hundred and seventy-five thousand dollars.

Commissioners, with consent of governor, may run or lease portion of road.

SECTION 4. Said commissioners are hereby authorized, with consent of the governor and council, to use or run that portion of said road east of the Hoosac Mountain, or lease the same to the "Vermont and Massachusetts," the

“Fitchburg,” the “Troy and Boston Railroad Company,” or either of them, until the completion of the said tunnel.

SECTION 5. Said commissioners shall have authority, with the approval of the governor and council, to continue the work on the Hoosac Tunnel, and by contract or otherwise, to expedite the completion of said tunnel.

May expedite completion of tunnel.

SECTION 6. All the net earnings and income derived from said railroad, including the tunnel, shall be held by the Commonwealth in trust: first, for the payment and reimbursement of the interest on all loans, advancements and disbursements of the Commonwealth, on account of said railroad or tunnel: second, for the payment and reimbursement to all parties having a legal right thereto.

Net earnings of road to be held in trust by Commonwealth.

SECTION 7. The governor is hereby authorized to draw his warrant on the treasurer of the Commonwealth, for such sums as may be required from time to time by the commissioners for the purpose of carrying out the provisions of this act, and the amount of the same is hereby appropriated therefor; and the treasurer of the Commonwealth is hereby authorized to issue scrip, or certificates of debt, in the name and in behalf of the Commonwealth, to an extent sufficient to secure the required funds, which scrip shall bear such rate of interest, as is allowed at the time on state scrip issued for other purposes, and shall be redeemable at the end of thirty years from the date thereof; and he shall sell or otherwise use the same at his discretion, to procure the sum necessary to meet the payments in this act provided: *provided*, that all expenditures and advances made under and by virtue of this act, shall be on account, and form part of the two millions of dollars, authorized to be loaned in state scrip to the Troy and Greenfield Railroad Company by chapter two hundred and twenty-six of the acts of eighteen hundred and fifty-four; and said expenditures and advances, together with all sums hitherto advanced to said company, excepting the sums advanced on account of the “Southern Vermont Railroad,” shall not exceed in amount the said two millions of dollars. Such changes may be made in the location and grades of the road, as may be necessary to improve the same; and no lease shall be made of the portion of the road east of the tunnel for a term exceeding six years; nor shall such portion be constructed without the approval of the governor and council.

Appropriation.

Scrip, issue authorized.

Proviso.

SECTION 8. All acts and parts of acts inconsistent herewith, are hereby repealed.

Repeal.

SECTION 9. This act shall take effect upon its passage.

Approved April 28, 1862.

Chap. 157

AN ACT CONCERNING COUNTY SEALS.

Be it enacted, &c., as follows :

Commissioners to establish.

SECTION 1. County commissioners of any county may establish a seal for such county, which shall be in the custody of their clerk, and shall be affixed to all process issued by the county commissioners in cases where a seal is required.

SECTION 2. This act shall take effect upon its passage.

*Approved April 28, 1862.***Chap. 158**

AN ACT CONCERNING TAXES UPON POLLS.

Be it enacted, &c., as follows :

Not to exceed two dollars, except, etc.

SECTION 1. The thirty-first section of chapter eleven of the General Statutes is hereby so amended that the whole poll-tax assessed in one year upon an individual, for town, county and state purposes, except highway taxes separately assessed, shall not exceed two dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved April 28, 1862.***Chap. 159**

AN ACT CONCERNING BAIL IN CRIMINAL CASES IN THE COUNTY OF SUFFOLK.

Be it enacted, &c., as follows :

Bail after conviction to be received in open court.

Proviso: proceedings when not in session.

Rejection of person as surety to be final.

Attested certificate of surety taken out of court to be returned therein.

SECTION 1. After a conviction in the superior court for the transaction of criminal business in the county of Suffolk, or after a plea of guilty or of *nolo contendere* in said court, the prisoner in such cases respectively, shall not be admitted to bail except in open court: *provided*, that when said court is not in session, bail may be taken by any judge of a court of record, or by any commissioner appointed by the justices of the superior court; and in such case such judge or commissioner shall have proof that written notice has been duly served at least twenty-four hours before the hearing of such application, upon the district-attorney or the assistant district-attorney for the Suffolk district, of the proposed application; such notice shall specify the name of the prisoner, the offence of which he is convicted, the time and place of hearing such application, with the name, occupation and place of residence of the several persons proposed as sureties. No person who has been once offered and rejected as surety shall afterwards be accepted as surety for the same person in the same case.

SECTION 2. Whenever bail is taken out of court as aforesaid, it shall be the duty of the judge or commissioner to cause a certificate to be signed and sworn to by each surety, which shall contain the name, residence, including the street

and number of the dwelling-house, and the occupation and place of business of the surety, and a statement of the nature, location and value of his property, and of the incumbrances if any thereon, the amount of his indebtedness, and all other matters pertinent to the amount and value of such property; which certificate shall be returned with the recognizance to the proper court. If any material statement in such certificate shall be false, the person making the same shall be deemed to have committed the crime of perjury, and shall be liable to all the pains and penalties provided by law as a punishment for perjury.

Penalty for false statement.

SECTION 3. Whenever a judge or commissioner within the county of Suffolk is applied to, to accept bail out of court, in a case in which no amount has been fixed, he shall, if the crime charged be above the jurisdiction of the police court of Boston, before fixing bail, cause notice to be given to the district-attorney, or to the assistant district-attorney, for the Suffolk district, if either of said officers is at the time within said district, of the fact of such application.

Application out of court, in certain cases, notice to be given district-attorney.

SECTION 4. Justices of the peace and justices of the peace and of the quorum in Suffolk county, shall hereafter have no authority to take bail in criminal cases.

Justices of the peace, authority in annulled.

SECTION 5. No justice of any court shall hereafter be allowed to receive any fee or compensation for taking and approving bail in criminal cases in said county of Suffolk.

Fees to court prohibited.

SECTION 6. This act shall take effect upon its passage.

Approved April 28, 1862.

AN ACT TO PUNISH MALICIOUS INJURIES TO REAL ESTATE.

Be it enacted, &c., as follows:

Whoever wilfully or maliciously injures, defaces, mars or destroys, either in whole or in part, any dwelling-house or other building, whether upon the inside or outside, not being the owner thereof, and not having the right so to do, by virtue of any contract with the owner thereof, shall be liable to the penalties mentioned in the eighty-first section of the one hundred and sixty-first chapter of the General Statutes.

Chap. 160

Penalties prescribed in sect. 81, ch. 161, Gen. Stats. to apply.

Approved April 28, 1862.

AN ACT TO LIMIT THE TIME FOR TAKING OR CATCHING TROUT.

Be it enacted, &c., as follows:

The second section of the eighty-third chapter of the General Statutes is hereby amended, by inserting after the word "May," the words "or any trout from the tenth day of September to the tenth day of March."

Chap. 161

General Statutes amended.

Approved April 28, 1862.

Chap. 162 AN ACT CONCERNING THE EXAMINATION OF JUDGMENT-DEBTORS.
Be it enacted, &c., as follows :

In case of judgment against woman, for twenty dollars, and issue of execution, payment may be demanded.

SECTION 1. Whenever any person shall obtain a judgment against any woman, whether married or unmarried, for the sum of twenty dollars and upwards, exclusive of all costs which make a part of said judgment, whether the same have accrued in the last action or any former action on the same original cause of action, and while so much as that amount remains uncollected, and shall take out execution upon the same, he may cause payment of the same to be demanded of the judgment-debtor, by any officer qualified to execute the same; and if upon such demand the judgment-debtor shall fail to pay the same, or to expose sufficient goods or estate to be taken by such officer to satisfy the same, the officer shall, if requested by the judgment-creditor, make a return of his doings upon such execution, and shall be entitled to receive his travel to make such demand and in addition thereto the sum of one dollar, which fees shall be repaid by the judgment-debtor to the judgment-creditor, as a part of the costs of the execution.

Return of doings in case of failure to pay upon request of creditor, to entitle officer to fees.

Creditor may apply to court of insolvency.

SECTION 2. At any time after a demand has been made as provided in the preceding section, the judgment-creditor, or any person in his behalf, may apply to the court of insolvency of the county within which the judgment was obtained, or in which the judgment-debtor resides, by petition, setting forth the fact of such judgment and demand with a copy of the execution, and the return of the officer thereon, alleging that he believes that the judgment-debtor has property not exempted from attachment, which she refuses to apply in payment of said execution, or to expose so that the same may be taken thereon, and praying that a citation may issue requiring such judgment-debtor to appear at a time and place therein to be fixed, and submit to an examination touching her estate, which application shall be verified by the oath of the applicant; and thereupon the register of said court shall issue a citation as prayed for, giving the judgment-debtor at least one day's time for every twenty miles' travel, and a like time for any distance less than twenty miles. Such citation may be served by any officer competent to serve the execution in such petition described.

Debtor failing to appear capias may issue.

SECTION 3. If the judgment-debtor shall fail to appear at the time and place fixed in the citation, the judge on proof of service by the return of the officer, may issue a capias to bring the judgment-debtor before him, which may be served by any officer competent to serve the citation; the fees for

service of the citation shall be fifty cents for the copy and the same travel as for the service of writs.

SECTION 4. The judgment-debtor being so before said judge shall be sworn by the judge or by the register of the court to make true, full and perfect answers touching her estate and the disposal of the same, and she shall thereupon be examined by the judgment-creditor upon written interrogatories, either in the presence of the judge or otherwise as he shall direct; and after such examination is completed the judgment-debtor shall be allowed to add such other facts as she may deem necessary, and the judgment-creditor shall have a right to re-examine her in regard thereto, and the examination so made shall be signed by the debtor and placed on file in the court of insolvency, with the other papers in said case. It shall be competent for either of the parties to introduce evidence in relation to the subject-matter of such examination.

To be sworn to make true answers.

Addition of facts and re-examination allowed.

Evidence by either party competent.

SECTION 5. If it shall appear upon the hearing of the said examination and proof, that the judgment-debtor has property not exempt from attachment, or from being taken on execution, or which cannot be got at to be taken on execution, or that she has property of any kind of the value of twenty dollars not so exempted, judgment to that effect shall be entered by the court, and she shall be required to produce the same or so much thereof as may be needed to satisfy such execution with the costs of the proceedings upon such citation; or if the said property is not within the county in which the proceedings are had, or not capable of being taken on execution, she shall be required to execute and deliver to the judgment-creditor, or some person on his behalf, a transfer, assignment or conveyance of the same, or so much of the same as may be sufficient to satisfy said execution and said costs, or to secure the payment of the same; and if upon being ordered so to do she shall neglect or refuse to obey such order, she shall be committed by said court as for a contempt, and shall stand committed until she shall obey such order, or be otherwise discharged according to law.

Possession of property appearing, judgment to be entered to produce same.

Proceedings in case of inability to take on execution.

Penalty for neglect to obey order of court.

SECTION 6. If any such judgment-debtor during such commitment shall become an insolvent debtor under the laws of this Commonwealth, or become a bankrupt under the laws of the United States, or if it shall appear that she has been divested of her property or estate during such commitment otherwise than by her own act, she shall thereupon be discharged.

Conditions of discharge.

SECTION 7. If it shall appear that after the commencement of the suit upon which the judgment was obtained,

Fraudulent conveyance pending suit, to be void.

the judgment-debtor therein has made any voluntary or fraudulent conveyance, transfer or gift of any property or estate, she may be required to transfer the same to the judgment-creditor, who shall thereupon have a right to demand such property, and recover the same from the party who received the same, or from any person who may have taken the same, without consideration or with notice of the fraud or want of consideration of the original transfer, conveyance or gift.

Conveyance of property after service of citation to be deemed contempt.

SECTION 8. If it shall appear that after the service of the citation upon the judgment-debtor, and during the pendency of the proceedings thereon, she has made any conveyance, assignment or transfer of any property, or any payment of money with intent to prevent the same from being transferred or paid to the judgment-creditor or applied by force of the said proceedings to the satisfaction of the said judgment, such transfer, assignment, conveyance or payment shall be deemed to have been made in contempt of the court, and she shall be liable, in the discretion of the court, to be committed as for a contempt, and stand committed until discharged by due process of law; but payment of debts for necessities, and debts due on judgments, shall not be deemed within the prohibition of this section.

Penalty.

Fees allowable and how accounted for.

SECTION 9. The petitioner shall pay to the court of insolvency the fees following: for the citation, two dollars; for each day's hearing, and if the examination is conducted in the presence of the judge, for each day's examination, five dollars; which fees shall be repaid by the judgment-debtor, if she shall be adjudged to have property under the provisions of the fourth section of this act; all such fees shall be accounted for by the register of insolvency in the same manner as fees received by said register in cases of insolvency.

Expiration of three years to authorize new demand.

SECTION 10. At any time after the expiration of three years from the termination of any proceedings under the provisions of this act, and while the judgment remains in force, the judgment-creditor may cause a new demand to be made, and in case the execution in such case is not thereupon satisfied, he may cause the like proceedings to be had as if no previous demand and proceedings had been made or had.

Approved April 28, 1862.

Chap. 163

AN ACT CONCERNING THE EASTERN AVENUE CORPORATION.
Be it enacted, &c., as follows:

Time for location extended.

SECTION 1. The provisions of chapter seventy-one of the acts of the year eighteen hundred and sixty, authorizing the

Eastern Avenue Corporation to change its location, are hereby extended to the first day of March, in the year eighteen hundred and sixty-three.

SECTION 2. The provisions of the second section of chapter seventy-nine of the acts of the year eighteen hundred and sixty-one, authorizing the city of Boston to grant aid to said corporation, in such manner and upon such conditions as the city may deem expedient, are hereby extended so that said city of Boston may render such aid by building said avenue or any part thereof, or otherwise.

City of Boston, powers to aid extended.

SECTION 3. The said Eastern Avenue Corporation may transfer its franchise and all its corporate rights to the city of Boston, and said city of Boston may accept the same; but no compensation shall be paid by said city for such transfer: and upon such transfer, the said city of Boston shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities appertaining to the said Eastern Avenue Corporation, except that the said city of Boston shall not be required to give the bond mentioned in the seventh section of the one hundred and forty-eighth chapter of the acts of the year one thousand eight hundred and fifty-two. In case of such transfer to the city of Boston of the franchises and corporate rights of said corporation, notice of such fact shall be given to the governor by the city of Boston, and in such case the time for location as extended by the first section of this act shall be further extended for two years; but said avenue shall be located with the approbation of, and be built according to specifications approved by, the commissioners appointed under the resolves in relation to the harbors and flats of the Commonwealth passed at the present session of the general court.

Corporation may transfer franchise to city.

Bond, certain, city shall be relieved from giving.

In case of transfer notice to be filed with governor.

Commissioners on harbors and flats to approve mode of construction.

SECTION 4. When the city of Boston shall have received the transfer provided for in the third section of this act, it may discharge all the duties incumbent on it, on account thereof, by the city council of the said city, or by any other agency which the said city council shall appoint; and when the avenue shall have been built, the board of aldermen of said city may lay out the same as a street or highway.

City council, powers of in case of transfer.

Aldermen may lay out as highway.

Approved April 28, 1862.

AN ACT TO AUTHORIZE THE EMPLOYMENT OF CLERKS BY THE SECRETARY OF THE BOARD OF AGRICULTURE.

Chap. 164

Be it enacted, §c., as follows:

SECTION 1. The secretary of the board of agriculture, at such times as the board shall approve, may employ one or

May employ two clerks.

two clerks at salaries not exceeding six hundred dollars a year, for each clerk.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1862.

Chap. 165 AN ACT RELATING TO THE RECEPTACLE FOR THE INSANE AT IPSWICH.
Be it enacted, &c., as follows :

Ventilation, Co.
commissioners to
provide for.

SECTION 1. The county commissioners of the county of Essex shall provide for the more thorough and constant ventilation of the receptacle for the insane connected with the house of correction at Ipswich.

Commissioners to
examine insane
in state prison, to
visit receptacle
quarterly.

SECTION 2. The commissioners for the examination of convicts in the state prison alleged to be insane, are hereby made a board of commissioners for the examination of the persons confined in said receptacle, and shall select one of their number to visit said receptacle once each quarter of a year. Each commissioner shall receive for his services in such capacity, the amount of his travelling expenses, and three dollars for each day he is so employed, and the bill therefor shall be audited and paid by the treasurer of the county of Essex.

May order re-
moval to state
hospital.

SECTION 3. Said commissioners, or said visiting commissioner selected as aforesaid, whose acts however, shall be subject to the revision of the board, may direct any person confined as insane, who in their judgment is capable of improvement by restorative treatment, to be removed to a state hospital; and they may cause such person to be remanded to said receptacle when they shall deem it expedient. The expenses of all such removals from and to said receptacle shall be paid in the first instance by the county of Essex; and said county shall be entitled to recover the same of the city, town or person obligated to support the person removed as aforesaid.

Approved April 28, 1862.

Chap. 166 AN ACT IN FURTHER ADDITION TO AN ACT IN AID OF THE FAMILIES
OF VOLUNTEERS.

Be it enacted, &c., as follows :

Citizens by ces-
sion from R. I.,
provision for aid
shall apply to
families of.

SECTION 1. The provisions of the second section of the act to which this act is in addition, being chapter sixty-six of the acts of the present session, shall apply to those volunteers, who, although not inhabitants of the Commonwealth at the time of enlistment, have become such by the establishment of the boundary line between the states of Massachusetts and Rhode Island.

Aid to widow or
children.

SECTION 2. Any town or city may raise money by taxation or otherwise, and if necessary apply the same under the

direction of its selectmen, or mayor and aldermen, or city council, for the aid of the widow or children who were dependent upon any one of the inhabitants of said town or city, who may have died whilst in the active service of the United States, if said inhabitant were a volunteer duly enlisted and mustered into the service of the United States, whose wife or child might have received aid under the provisions of said chapter sixty-six of the laws of the present year.

SECTION 3. No sums shall be so applied to the wife or children of any such deceased volunteer for a period of more than one year after the passage of this act, nor more than one month after the passage of any further act of congress allowing a pension or other provision to the widow or to the children of such deceased volunteer.

Limitation of time defined.

SECTION 4. All the provisions of the fourth and fifth sections of said chapter sixty-six of the laws of the present year, concerning the reimbursement of money from the state treasury, and annual reports to the auditor, shall be applicable to all moneys applied under the provisions of this act.

Provisions of former act made applicable.

Approved April 29, 1862.

AN ACT IN RELATION TO THE SALE OR EXCHANGE OF MILITARY PROPERTY.

Chap. 167

Be it enacted, &c., as follows :

SECTION 1. The governor, with the advice and consent of the council, may sell or exchange from time to time, any military property now on hand, belonging to this Commonwealth, upon such terms as he shall deem proper.

Governor and council may dispose.

SECTION 2. The proceeds of the sales of any of the property aforesaid which has been paid for out of the union fund, shall be paid into the said union fund, and become a part of the sinking fund for the redemption thereof. A detailed report of all such sales and exchanges shall be made to the next general court.

Proceeds of sale, how applied.

Report required.

SECTION 3. This act shall take effect upon its passage.

Approved April 29, 1862.

AN ACT CONCERNING OFFENCES AGAINST CHASTITY, MORALITY AND DECENCY.

Chap. 168

Be it enacted, &c., as follows :

SECTION 1. Whoever imports, prints, publishes, sells or distributes any book, pamphlet, ballad, printed paper, or other thing containing obscene, indecent or impure language, or any obscene, indecent or impure prints, pictures, figures or descriptions, manifestly tending to the corruption of the morals of youth ; or introduces into any family, school

Penalty for importing, printing, or circulating impure book, print or figure.

or place of education ; or buys, procures, receives, or has in his possession any such book, pamphlet, ballad, printed paper, or other thing, either for the purpose of sale, exhibition, loan or circulation, or with intent to introduce the same into any family, school or place of education, shall be punished by imprisonment in the state prison not exceeding five years, or by imprisonment in the jail not exceeding two years, and fine not exceeding one thousand dollars, nor less than one hundred dollars.

Warrants for search, police court or justice may issue.

Articles found to be destroyed after use as evidence.

Informers entitled to one-half of fine paid.

General Statutes, chap. 170, sect. 2, amended, extending provisions for search and seizure.

SECTION 2. Any police court or justice of the peace may issue a warrant for the purpose of searching for any obscene, indecent or impure books, pamphlets, ballads, printed papers, or other things mentioned in the preceding section, in the manner provided in chapter one hundred and seventy of the General Statutes ; and all such things found by an officer in executing a search warrant, or produced or brought into court, shall be safely kept so long as is necessary for the purpose of being used as evidence in any case, and as soon as may be afterwards, shall be destroyed, by order of the court before whom the same is brought.

SECTION 3. When a person is convicted under either of the two preceding sections, and sentenced to pay a fine, there shall be paid to the person who informed and prosecuted such offender to conviction, one-half of the fine actually paid by such offender.

SECTION 4. The second section of the one hundred and seventieth chapter of the General Statutes is hereby so far amended, that all the provisions relating to search for, and seizure of books, pamphlets, ballads, printed papers, or other things containing obscene prints, pictures, figures, or descriptions manifestly tending to the corruption of the morals of youth, shall also apply to the search for and seizure of the type, forms, press, wood-cuts, and all the material and the mechanical apparatus used and employed in the printing and publishing of the books, pamphlets, ballads, printed papers, or other things mentioned in such section ; and to all books, pamphlets, ballads, printed papers, or other things containing indecent or impure language, or indecent or impure pictures, figures or descriptions, manifestly tending to the corruption of the morals of youth, and the type, forms, press, wood-cuts, and all the material and the mechanical apparatus used and employed in the printing and publishing of such books, pamphlets, ballads, printed papers or other things, containing indecent or impure language, or indecent or impure prints, pictures, figures or descriptions.

SECTION 5. After the seizure of any type, forms, press, wood-cuts, and the material and the mechanical apparatus, as provided in the preceding section, application shall be made to the court competent to try the offence, in the commission of which the said type, forms, press, wood-cuts, material or mechanical apparatus, or any part thereof may be alleged to have been used or in any way employed, for a decree of condemnation of the same; and if upon the hearing of said application it shall be found and adjudged that the same or any part thereof has been used for the unlawful purpose alleged, the same shall be adjudged forfeit, and the sheriff shall sell the same, or so much thereof as the court shall order, and pay the proceeds of such sale to the use of the county, and the remainder thereof shall be burned or otherwise destroyed under direction of the court or magistrate. The claimant shall be allowed to appear in the proceeding, upon any such application. Any of said articles not found to have been unlawfully used, shall be delivered to the lawful owner of the same. *Approved April 29, 1862.*

Articles and material seized and adjudged forfeit, to be sold or destroyed.

Claimant may appear, in proceeding.

AN ACT CONCERNING BAIL IN CRIMINAL CASES.

Be it enacted, &c., as follows:

Chap. 169

SECTION 1. No person, arrested on a criminal charge, who is released on bail or recognizance and forfeits or makes default upon his bail-bond or recognizance, shall be again permitted to go at large upon further bail or recognizance, in the same case, unless upon application to some justice of the superior court, and by order of said justice, after showing some reasonable excuse for his previous default or forfeiture.

Forfeiture of bail to debar further recognizance, unless, &c.

SECTION 2. No affidavit shall be required to authorize arrest upon an execution issued upon scire facias or other suit upon a recognizance against bail or sureties in criminal cases when the debtor shall neglect upon demand therefor to deliver to the officer having charge of such precept property not exempt from levy upon execution, sufficient to satisfy the said execution. The proceedings after the arrest shall be the same as provided for in the sixth section of the one hundred and twenty-fourth chapter of the General Statutes.

Arrests, certain, authorized without affidavit.

SECTION 3. Sections forty-one, forty-two and forty-four of chapter one hundred and seventy of the General Statutes, are hereby repealed.

Proceedings defined.

Repeal.

SECTION 4. This act shall take effect upon its passage.

Approved April 29, 1862.

Chap. 170 AN ACT CONCERNING THE PAY OF SPECIAL JUSTICES OF POLICE COURTS.*Be it enacted, §c., as follows :*

Treasurer to pay,
upon auditor's
certificate, sums
due standing jus-
tice.

SECTION 1. The treasurer of the Commonwealth is authorized, upon the request of any special justice of any police court, and upon the amount due to him being ascertained and certified by the auditor, to deduct and pay from the salary of the standing police justice of the same court, whatever sums now are or may hereafter be due from the said standing justice to the said special justice, under the provisions of the twenty-second section of the one hundred and sixteenth chapter of the General Statutes.

SECTION 2. This act shall take effect upon its passage.

*Approved April 29, 1862.***Chap. 171** AN ACT IN ADDITION TO AN ACT ALTERING THE BOUNDARY LINE BETWEEN THE TOWNS OF CAMBRIDGE AND SOMERVILLE, AND ANNEXING PORTIONS OF EACH TO THE OTHER.*Be it enacted, §c., as follows :*

Bounds defined.

SECTION 1. All the territory and persons situated on the northerly and easterly side of the dividing line between the city of Cambridge and the town of Somerville, described in the first section of chapter one hundred and thirty-seven of the acts of the year eighteen hundred and fifty-six, are hereby set off from said Cambridge, and are annexed to said Somerville ; and all the territory and persons situated on the southerly and westerly side of said dividing line, are hereby set off from said Somerville and are annexed to said Cambridge.

Repeal.

SECTION 2. The second section of said chapter one hundred and thirty-seven of the acts of the year eighteen hundred and fifty-six, is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

*Approved April 29, 1862.***Chap. 172** AN ACT CONCERNING CORONERS.*Be it enacted, §c., as follows :*

Commissions of
date prior to July
'55, void in '62.

SECTION 1. All commissions of coroners which were granted prior to the first day of July, in the year eighteen hundred and fifty-five, shall expire and become null and void on the first day of July next.

Tenure of subse-
quent commis-
sions issued.

SECTION 2. All commissions of coroners and special coroners which have been granted since the first day of July in the year eighteen hundred and fifty-five, shall expire and become null and void at the expiration of seven years from the date of the same, respectively.

SECTION 3. All commissions of coroners and special coroners hereafter granted shall be for the term of seven years from the date of the same. *[Approved April 29, 1862.]*

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE CHURCH HOME FOR ORPHAN AND DESTITUTE CHILDREN. *Chap. 173*

Be it enacted, &c., as follows:

SECTION 1. The board of managers of the Church Home for Orphan and Destitute Children, shall have authority at their discretion, to receive into their asylum such children as they may deem suitable objects of charity, and also to accept a surrender, in writing, by the father, or where there is no father, by the mother, or where there is no mother, by the guardian of any child or children, to the care and direction of said institution, and to bind out in virtuous families, until the age of twenty-one years, any boy or boys thus surrendered, and until the age of eighteen years, or manage, within that age, any female child or children thus surrendered; and they may also thus bind out any child or children who, being destitute of parents within this Commonwealth, shall have been relieved and supported by said institution: *provided*, that any parent whose child or children, during the absence of their said parent out of this Commonwealth, shall have received relief and support or been bound out as aforesaid, shall have liberty on his or her return to receive such child or children, upon paying to the treasurer of said institution the expense incurred in his or their relief and support as aforesaid; and such managers shall have authority to establish any rules and by-laws, for the regulation of the proceedings of said board and the concerns of said institution, not repugnant to the laws of the Commonwealth or the by-laws and orders of such institution.

SECTION 2. Such managers shall likewise have authority, at their discretion, to procure the adoption of any such child or children, by any respectable and suitable person competent to rear such child or children; and any person who shall thus adopt such child or children shall succeed to the rights of such institution over such child or children; and any person so adopting such child or children shall file with the judge of probate, in the county in which he shall reside, a paper declaring his adoption of such child or children, and thereupon the judge of probate shall, upon proof that such child or children have been duly relinquished to such institution, and that the wife, if any, of the person adopting, consents, without further notice confirm such adoption, and

Of commissions to be issued.

Board of managers may receive children in their discretion, accept surrender from parent or guardian, and may bind out.

Proviso.

Managers may procure adoption.

Person adopting to file declaration with judge of probate, who shall confirm.

therefrom the right of any parent to such child or children shall be extinguished, and the relation of parent and child between such child or children and the adopting parent shall be established.

Contracts lawfully executed to bind institution.

SECTION 3. All instruments of contract which may lawfully be made by said institution, if approved by the board of managers, shall be signed by the president and secretary of such board of managers, and when so signed shall bind the institution.

SECTION 4. This act shall take effect upon its passage.

Approved April 29, 1862.

Chap. 174

AN ACT FOR THE MORE EQUAL ASSESSMENT OF TAXES.

Be it enacted, &c., as follows:

Corporations, returns of shares by.

SECTION 1. All corporations which are by law required to make returns to the assessors of each town or city within the state in which any stockholder therein may reside, shall return, in addition to the cash market value of the shares of said corporation, on the first day of May, the proportionate amount per share which its real estate and machinery, if any, was last assessed, and the difference only between such proportionate amount per share assessed on its real estate and machinery, if any, and the cash market value, shall be taxed to the stockholder.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1862.

Chap. 175

AN ACT CONCERNING THE SUFFOLK, METROPOLITAN, AND BROADWAY RAILROAD COMPANIES.

Be it enacted, &c., as follows:

Suffolk may connect with Metropolitan in Boylston Street.

SECTION 1. The Suffolk Railroad Company is hereby authorized and empowered to connect its track, now down at the corner of Washington and Boylston Streets, with the track of the Metropolitan Railroad Company in said Boylston Street, with the right to enter upon and use, with its horses and cars used exclusively within the city of Boston, the tracks of the said Metropolitan Railroad in Cornhill, Washington, Boylston, and Tremont Streets, and the open space lying southerly of Scollay's Building, described in the route of location granted by the board of aldermen of the city of Boston, in an order passed January fifth, eighteen hundred and sixty-one, and accepted in writing by the said Suffolk Railroad Company, in such manner as shall, from time to time, be fixed and determined by the mayor and aldermen of the city of Boston.

Rights of entry and use defined.

SECTION 2. The Suffolk Railroad Company is hereby authorized and empowered to convey passengers by some

Powers authorizing conveyance of passengers to

central, direct and convenient route or routes, to and from the several steam ferries and steam railroad depots, in the northerly part of said city, and the Boston and Providence, Boston and Worcester, and Old Colony and Fall River steam railroad depôts respectively, and for this purpose to connect its tracks with, and to enter upon and use, with its horses and cars used exclusively within the said city of Boston, the tracks of any other railroad company laid in any streets or highways through which the said Suffolk Railroad Company has been, or shall be located, north of the southerly line of said depôts by said mayor and aldermen, and for this purpose, to construct, maintain and use a railway or railways, with convenient single or double tracks, switches, curves and turnouts, from their tracks in Causeway Street through Bowdoin Square to the track of the Metropolitan Railroad Company at the head of Cornhill, and over and upon such streets and highways of the city of Boston, as shall from time to time be fixed and determined by the mayor and aldermen of said city, and accepted in writing by said Suffolk Railroad Company: *provided*, that no cars shall be run by said Suffolk Railroad Company over the tracks of the Broadway Railroad Company, except by the consent of said Broadway Railroad Company; but the Suffolk Railroad Company shall construct no track south of Cornhill except as provided by the fourth and fifth sections of this act; and the said Suffolk Railroad Company may run its cars from the northerly depôts and ferries through Boylston Street, and return, under the provisions of the first section of this act, till the completion of the routes to the southerly depôts.

railways and ferries defined.

Location and construction authorized and route defined.

Proviso: Broadway Co.

Construction of track south of Cornhill prohibited, except, etc.

SECTION 3. The Metropolitan Railroad Company is hereby authorized and empowered to enter upon and use with its Boston Neck cars and also with its Tremont and Berkeley Street cars, the tracks and routes of location that now are or may hereafter be granted to the Suffolk Railroad Company, and the tracks of the Middlesex and Cambridge Railroad Companies to and from the steam railroad depôts in the northerly part of the city of Boston, described in the location of the Suffolk Railroad Company granted by the board of aldermen of the city of Boston, in an order passed January fifth, eighteen hundred and sixty-one, and accepted in writing by the said Suffolk Railroad Company, in such manner as shall from time to time be fixed and determined by the mayor and aldermen of the said city of Boston.

Metropolitan Co. may use tracks of Suffolk, Middlesex and Cambridge Companies.

Mayor and aldermen to determine manner.

SECTION 4. The Metropolitan Railroad Company is hereby authorized and empowered to construct, maintain

May construct track through Boylston, Provi-

dence and Berkeley Streets.

Conditions.

Proviso.

and use a railway or railways with convenient single or double tracks, switches, curves and turnouts from its track near the Winthrop House, in the said city of Boston, to the Boston and Providence Railroad Depot and through Providence and Berkeley Streets to its track near Dover Street, as shall from time to time be fixed and determined by the mayor and aldermen of the city of Boston, and accepted in writing by said Metropolitan Railroad Company: *provided*, that if the said Metropolitan Railroad Company shall not construct the track to and from the said Providence Railroad Depot within one year, the Suffolk Railroad Company may construct the same, to and from the said depot, as shall from time to time be fixed and determined by the mayor and aldermen of the city of Boston, the Metropolitan Railroad Company having the right to purchase the same within six months from the time of its completion by paying the cost of the same and interest thereon, and assuming all the conditions of construction and maintenance of the same imposed upon the Suffolk Railroad Company.

Broadway Co. may use tracks of Suffolk, Middlesex and Cambridge Companies.

Proviso: consent to conditions required.

Construction after consent, conditions of.

Broadway, Metropolitan and Suffolk Companies, mutual agreements authorized.

SECTION 5. The Broadway Railroad Company is hereby authorized and empowered to enter upon and use, with its horses and cars run exclusively from South Boston, the tracks and routes of location of the Suffolk Railroad Company that now are or may hereafter be granted to the Suffolk Railroad Company, and the tracks of the Middlesex and Cambridge Railroad Companies, to and from the steam railroad depots in the northerly part of the said city of Boston, as shall from time to time be fixed and determined by the mayor and aldermen of the city of Boston: *provided*, that the said Broadway Railroad Company shall not be authorized to run any cars under the provisions of this section until such time as it shall consent to the use of its tracks by the said Suffolk Railroad Company to the Old Colony and Fall River, and Boston and Worcester steam railroad depots; and if the said Broadway Railroad Company, after such consent, shall not construct proper and convenient switches, curves and turnout tracks at said depots, the Suffolk Railroad Company may construct the same in such manner as shall, from time to time, be fixed and determined by the mayor and aldermen of said city of Boston.

SECTION 6. The Broadway, Metropolitan, and Suffolk Railroad Companies, respectively, are also further authorized and empowered, by voluntary agreements and arrangements, each with the other, and not otherwise, to enter upon and use with their horses and cars, respectively, any further portion of the tracks of each other in said city of Boston:

provided, that such agreements and arrangements shall not be effective until approved by the mayor and aldermen of said city of Boston; and provided that neither of said companies shall, under the provisions of this section, be empowered to enter upon any such track or tracks without the assent of the company owning the same. Provisos.

SECTION 7. The Broadway, Metropolitan, and Suffolk Railroad Companies, shall, respectively, run such number of cars, and at such times, and shall pay such compensation to each other, and to any railroad company whose tracks they may enter upon and use, under the provisions of this act, as may be mutually agreed upon; and in case of disagreement as to the number of cars to be run, the time and manner of use of the said tracks, or the compensation to be paid to said railroad companies, the same shall be fixed and determined by three commissioners to be appointed by the supreme judicial court, the award of whom, or a major part of whom, reported to and confirmed by said court, shall be binding upon the respective corporations; and any such award may be revised or altered by commissioners appointed in like manner. The cost of the commission shall be apportioned upon the corporations interested, or any of them, as shall be just and equitable. Companies respectively may agree upon conditions.

SECTION 8. Each of the said companies, while using the tracks of any other company, as authorized by this act, shall conform to the rules and regulations, from time to time established, of the respective companies whose tracks they use, except so far as modified by said commissioners, and shall keep an account of the number of cars run daily by them respectively, and, as nearly as may be, of the passengers by them transported daily upon the railroad they are thus using, and of the number of miles run by them daily thereon, and shall render the account of the same, at least weekly, to the treasurer of said last named company. In case of disagreement commissioners appointed by S. J. Court to determine.

SECTION 9. In case said Suffolk Railroad Company shall transfer its railroad and franchise to any other railroad company as provided in section fourteen of chapter two hundred and eighty-five of the acts of the year eighteen hundred and fifty-seven, said last named company may increase its capital to an amount not exceeding the cost of said railroad and appurtenances and the cost of properly equipping the same; said increase not to exceed, in the aggregate, the sum of two hundred thousand dollars. Each company to conform to rules of other in use of tracks, except, etc., and to render returns.

SECTION 10. If either of the said corporations mentioned in this act shall neglect to occupy or use a location in any street or highway for one year from the time the said location In case of transfer of franchise by Suffolk Co., receiving corporation may increase capital.

Failure for one year to use track located to render right void.

In case of discontinuance condition of streets to be restored.

was granted by the mayor and aldermen, the right to such portion of the said location or track shall thereupon become void; and in case any part of their tracks shall be discontinued, they shall remove the same from the streets and highways and shall put them in as good condition for public travel as they were immediately before they were occupied by said corporations.

SECTION 11. This act shall take effect upon its passage.

Approved April 30, 1862.

Chap. 176

AN ACT CONCERNING PILOTAGE.

Be it enacted, &c., as follows:

Existing commissions of pilots

SECTION 1. All persons holding commissions as pilots in this Commonwealth shall continue to hold the same until the same are revoked or the authority to act under the same is suspended as provided herein.

Regulations for pilotage.

SECTION 2. The regulations concerning pilotage now in force, being the provisions contained in the schedule hereto annexed, except so far as the same are hereby modified or changed, shall remain in force until the same are altered, amended or annulled pursuant to the provisions of this act.

Boston harbor, commissioners for, to be appointed.

SECTION 3. The governor with the advice and consent of the council is authorized to appoint and commission two persons to execute the office of commissioners of pilots for the harbor of Boston, who shall hold their office during the term of three years unless sooner removed by the governor and council: *provided, always*, that the said persons shall first be recommended by the trustees of the Boston Marine Society and that no such commissioner shall at the same time be one of said trustees; but they shall be persons of experience in maritime and nautical affairs. *And* if the said trustees shall refuse, decline, or be unable to make the recommendation above provided for, the governor and council shall appoint the said commissioners without such recommendation.

Commissioners to appoint pilots for harbor of Boston, approved by Marine Society, and may temporarily revoke for cause.

SECTION 4. The said commissioners shall grant commissions for pilots in the harbor of Boston to such persons as they shall deem competent to receive them and who have been approved by the trustees of the Boston Marine Society. They may upon satisfactory evidence of misconduct, carelessness or neglect of duty, suspend until the meeting of the trustees then next ensuing, any pilot who now holds or may hereafter hold a commission as pilot for the harbor of Boston; and if the said trustees at their said next meeting shall decide that such commission ought to be revoked the said commissioners may revoke the same, or may at their

discretion continue the suspension of such pilot until the next stated meeting of said trustees and no longer for the same offence. They shall see that the laws and regulations for pilotage within the harbor of Boston are duly observed and executed. They shall receive and hear complaints by and against pilots for the harbor of Boston and examine into and decide the same;—and generally they shall exercise within the harbor of Boston the same jurisdiction and have the same powers as are now exercised by the commissioners of pilots, except so far as the same are limited by the provisions of this act.

General duties of commissioners.

SECTION 5. There shall be appointed by the said commissioners a secretary, whose duty it shall be to keep an office and be in attendance during the day to receive all complaints of and against pilots for the harbor of Boston, and all notifications to the same; and said secretary shall keep a fair record of the doings of said office, to be open at all times for examination and inspection.

Secretary of commissioners to be appointed: duties defined.

SECTION 6. Once in every three months each pilot for the port of Boston shall render to the said commissioners an accurate account of all vessels piloted by him, and of all moneys received by him, or by any person for him, for pilotage, and he shall pay said commissioners three per cent. on the amount thereof; and the said pilots shall add three per cent. to the rates established by law at the time of rendering pilot service, and may collect the same as they are authorized to collect pilotage fees; and if any pilot shall make a false return of moneys received, he shall pay a sum not exceeding fifty dollars; and from the sum so collected and paid into said office, each commissioner shall receive such compensation as the trustees of the Boston Marine Society may fix, together with such allowances for office rent, clerk hire and other incidental expenses as the said trustees may think suitable. And if there shall remain any surplus arising from said commissions, after the said payments are made, the same shall be paid into the treasury of the Boston Marine Society.

Pilots for port of Boston to render quarterly account.

Penalty for false return.

Compensation of commissioners.

SECTION 7. The harbor of Boston, for the purposes of this act, shall be held to include all places or landings accessible to vessels from sea included within the limits of Nahant Rock on the north and Point Alderton on the south.

Harbor of Boston defined.

SECTION 8. The governor, with the advice and consent of the council, may appoint one or more suitable persons as pilots for the ports of Salem, Marblehead and Beverly, respectively: *provided*, that said persons shall first have the recommendation of the master of the Marine Society, in

Salem, Marblehead and Beverly, appointment of pilots for ports of.

Salem, and of the president of the Salem East India Marine Society.

Existing pilots in said ports, tenure of commissions.

SECTION 9. Any pilot who now holds, or hereafter may hold, a commission as pilot for the ports named in the preceding section, or either of them, may be removed from office by the governor, with the advice and consent of the council, whenever the master and president of the societies aforesaid shall certify that such pilot is incapable of discharging the duties of said office, or otherwise unsuitable to be continued therein, or that the public interest requires that he should no longer remain in office.

Newburyport, appointment of branch pilots for port of.

SECTION 10. The governor, with the advice and consent of the council, may appoint one or more suitable persons to be a branch pilot or pilots for the port of Newburyport: *provided*, that every such person shall first obtain from the Marine Society of Newburyport a certificate signed by its clerk, stating that in the opinion of said society such person is capable and suitable to be appointed to that office; and every such person who now holds, or may hereafter hold, a commission as pilot for said port may be removed by the governor and council whenever the said society shall in like manner certify that he is incapable of discharging the duties of said office, or is otherwise unsuitable to be continued therein, or that the public interest requires that he should no longer remain in office.

Tenure.

Gloucester and Rockport, port wardens, appointment, and tenure.

SECTION 11. There shall be appointed by the governor, with the advice and consent of the council, three persons to be denominated port wardens of the ports of Gloucester and Rockport, who shall hold their offices during the pleasure of the governor and council. They shall recommend to the governor suitable persons to be pilots for the ports of Gloucester, Rockport and Manchester, respectively, who shall receive commissions as such, if approved by the governor with the consent of the council.

Duties.

Buzzard's Bay and Martha's Vineyard, port wardens.

SECTION 12. There shall be appointed by the governor, with the advice and consent of the council, five persons, two of whom shall reside in New Bedford or Fairhaven, two in Dukes County and one in Wareham, to be denominated port wardens of the ports upon Buzzard's Bay and the island of Martha's Vineyard, who shall hold their office during the pleasure of the governor and council. They shall recommend to the governor suitable persons to be pilots for the said ports respectively, who shall receive commissions as such, if approved by the governor with the consent of the council.

Pilots.

SECTION 13. There shall be appointed by the governor, with the advice and consent of the council, three persons, one of whom shall reside in Fall River, one in Somerset and one in Taunton, to be denominated port wardens for Taunton River, who shall hold their offices during the pleasure of the governor and council. They shall recommend to the governor suitable persons to be pilots for Taunton River, and the ports connected with the same, who shall receive commissions as such, if approved by the governor with the consent of the council.

Taunton River,
port wardens.

Pilots.

SECTION 14. There shall be appointed by the governor, with the advice and consent of the council, two persons to be port wardens for the port of Provincetown. The commissioners of pilots for the harbor of Boston, and the port wardens of the port of Provincetown, shall recommend from time to time, suitable persons, not exceeding six in number, to be bay and harbor pilots, as mentioned in the schedule hereto annexed for the harbor of Provincetown and other harbors.

Provincetown,
port wardens.

Pilots, how ap-
pointed.

SECTION 15. In all ports and places not mentioned in this act, for which pilots have been heretofore or are now commissioned, the governor with the consent of the council, shall have power to appoint suitable persons to be pilots, who shall hold their commissions during the pleasure of the governor and council. All pilots in such ports and places may be suspended or removed at any time by the governor and council.

Ports and places,
not enumerated,
pilots may be
appointed.

SECTION 16. In all cases in which any persons or society are authorized by the provisions of this act, to recommend suitable persons for appointment as pilots, it shall be lawful for the same persons or society to suspend any pilot, whether now commissioned or hereafter to be commissioned, for his misconduct, carelessness or neglect of duty; and in such case, such suspension shall not continue beyond the term of sixty days, unless the same shall be approved by the governor with the consent of the council. Whenever the said persons or society respectively shall certify to the governor that any pilot who now holds or hereafter may hold a commission as pilot within their respective jurisdictions, is incapable of discharging the duties of his office, or is otherwise unsuitable to be continued therein, or that the public interest requires that he should no longer remain in office, such pilot may be removed from office, and his commission revoked by the governor with the consent of the council.

Society or persons
recommending
appointment
may suspend
pilot temporarily
for cause.

Certificate from,
of incapacity, to
authorize re-
moval.

SECTION 17. The commissioners of pilots for the harbor of Boston, and the persons hereby authorized to recommend suitable persons for appointment as pilots, respectively, may

Modification of
regulations au-
thorized.

Proclamation re-
quired.

Secretary of Com-
monwealth to
report to legisla-
ture, and print.

Fee for pilot's
commission.

Bonds and
sureties.

Release of surety
from liability,
proceedings de-
fined.

from time to time recommend to the governor and council, such changes or modifications of the pilotage regulations, for the ports or places within their respective jurisdictions as to them shall seem fit; and if such modifications or changes, respectively, or any portion of the same shall be approved by the governor with the consent of the council, the governor shall make proclamation thereof, and shall cause such modifications or changes to be published for four weeks consecutively, in the paper selected by the secretary of the Commonwealth, pursuant to the provisions of chapter three, section four, of the General Statutes; and the same being so proclaimed and published for four weeks consecutively, shall have the force of law and be obeyed by all persons. All such modifications and changes shall be reported by the secretary of the Commonwealth to the legislature, and the same shall also be published annually with the laws of the Commonwealth.

SECTION 18. Each pilot receiving a commission shall pay therefor the sum of five dollars.

SECTION 19. No person shall receive a commission or exercise the office of pilot, until he has given to the treasurer of the Commonwealth, a bond with two sureties in the penal sum of one thousand dollars for the faithful performance of all the duties of his office. The sureties on the bonds of pilots for the harbor of Boston shall be satisfactory to the commissioners of pilots of the harbor of Boston; the sureties upon the bonds of pilots for the other ports and places mentioned in this act shall be approved by the persons or societies recommending such persons as pilots; and the sureties upon the bonds of all other pilots shall be approved by the governor and council.

SECTION 20. Whenever any surety upon the bond of any pilot shall desire to be discharged from his liability thereon as provided in the ninth section of chapter fifty-three of the General Statutes, notice of the same shall be given to the commissioners or to the persons or society hereby authorized to approve the sureties upon said bond, as the case may be, or if such bond was approved by the governor and council, notice shall be given to the governor and council; and notice shall also be given in writing by such surety to such pilot, and the same may be served by any constable of any town in which said pilot may be; and such notice with the return of such constable thereon shall be filed with the treasurer of the Commonwealth, and at the end of thirty days from the date of the filing of said notice with the treasurer, the liability of such surety for any acts of said

pilot after the expiration of said thirty days, shall cease. If any pilot, being so notified, shall fail to furnish a new bond before the expiration of said thirty days, his commission shall become void.

Failure to furnish new bond to void commission.

SECTION 21. In case of the decease or insolvency of any surety upon the bond of any pilot, said pilot shall give notice of the same to the commissioners of pilots for the harbor of Boston, if such pilot is a pilot for the harbor of Boston, or to the persons or society who recommended his appointment, or to the governor and council if such pilot was appointed for any port or place not specially mentioned in this act, and thereupon a new bond shall be required to be given.

In case of death or insolvency of surety, pilot to notify, etc.

SECTION 22. Section twelve of chapter fifty-two of the General Statutes is hereby repealed:

Repeal.

SECTION 23. The board of pilot commissioners is hereby abolished; but returns shall be made to such commissioners, by all pilots, of the pilotage fees by them earned or received as provided by section twelve of chapter fifty-two of the General Statutes, up to the day when this act shall take effect, and they shall pay to the said commissioners the amount in said sections provided; and if any pilot shall fail to make such return and payment, complaint thereof may be made to the governor and council, and if such complaint is found to be true, the commission of such pilot shall be revoked or suspended at the pleasure of the governor.

Abolishment of board of pilot commissioners.

SECTION 24. This act shall take effect, so far as concerns the appointment of commissioners and port-wardens, upon its passage; as to all other matters, it shall take effect upon the first day of June next.

Act, when in force.

SCHEDULE.

GENERAL REGULATIONS FOR PILOTAGE IN THE COMMONWEALTH OF MASSACHUSETTS.

1. No person not holding a commission as pilot, (excepting those actually employed on board of the vessel for the voyage,) shall in any case exercise the duties of a pilot on board of any vessel within the waters of this Commonwealth, whether said vessel is liable to compulsory pilotage or not, provided a commissioned pilot offers his services, or can be obtained at a reasonable time, under a penalty of not less than twenty, and not exceeding fifty dollars for each and every offence.

Penalty for acting without commission unless pilot fails to offer.

2. If at any time the bond of any pilot shall appear to be insufficient, a new one shall be required.

Bond of pilot.

Liability of vessel to pilotage.

3. No vessel shall be liable to pilotage in or out of any port other than her ports of departure and destination. But if the aid of a pilot be required, the pilot shall be bound to do the duty, and entitled to the regular compensation therefor.

Of outward and inward bound vessels.

4. Every vessel inward bound, excepting the vessels provided for in sections 17 and 18, of these general regulations, shall receive the first pilot holding a commission for her port of destination, that may offer his services, and shall be holden to pay to such pilot, the regular fees for pilotage, whether his services be accepted or not. Outward bound vessels, in all cases, are requested to give a preference to the pilot who may have brought said vessel into port, or to a pilot from the same boat.

Boarding, duties concerning.

5. It shall be the duty of every pilot to first board vessels (irrespective of size) having signals set for a pilot. When there are no signals to be seen, then the pilots are to offer their services to the first vessel which they can board; and in case any vessel liable to pilotage should refuse to take a pilot, it shall be the duty of the pilot to inform said vessel that she will be holden to pay the regular fees for pilotage, whether his services are accepted or not.

6. Every pilot shall exhibit his commission when required, to the master of any vessel of which he may take charge.

7. No pilot shall take charge of any vessel drawing more water than his commission authorizes, under penalty of suspension or dismission.

8. Every pilot shall be liable together with his bondsmen, for all damages that may accrue from his negligence, unskilfulness or unfaithfulness.

Rates, regulation defined.

9. The period during which winter rates of pilotage shall be allowed, shall be uniformly from November 1 to April 30, inclusive; summer rates from May 1 to October 31, inclusive, for all the ports of the Commonwealth.

Liability for pilotage.

10. The hull and appurtenances of every vessel shall be liable for all legal claims on account of pilotage, either rendered or offered, for the space of sixty days.

Quarantine regulations, how observed.

11. All pilots shall anchor vessels carrying alien passengers, or vessels subject to quarantine, at the places assigned for such purpose by the proper authorities, under penalty of suspension or dismission, as well as of the fines by law provided for neglect thereof.

Differences of pilots, how settled.

12. All disputes between pilots in relation to their rights, privileges and duties with each other, shall be referred to, and settled by three master pilots, to be chosen by the parties for that purpose, to be adjusted and settled according to the regulations and the laws.

Extra fees, claim for defined.

13. Whenever any vessel shall be anchored under the regulations for quarantine, or alien passengers, for twelve hours or over, the pilot in charge shall be entitled to twenty-five per cent. in addition to the ordinary fees, by afterwards piloting the vessel to her port of destination.

Involuntary absence at sea, compensation.

14. Any pilot who shall be unable to leave a vessel under his charge and be carried to sea, without any negligence or fault of his

own, or his associates, shall be entitled to two dollars per day, while necessarily absent from home.

15. All passenger steam vessels, regulated by the laws of the United States, and carrying a pilot commissioned by United States commissioners, are exempt from the compulsory payment of pilotage.

Exemption from pilotage.

16. All national vessels, both inward and outward, shall pay in all ports in the Commonwealth, when they shall employ a pilot, four dollars per foot for fifteen feet or less draught of water, and five dollars per foot for over fifteen feet draught of water.

National vessels.

17. Every regularly appointed pilot is authorized and directed to take charge of any vessels within the limits of his commission, except fishing vessels, (not including whaling vessels,) all single decked vessels of three hundred and fifty tons or under, sailing under a coasting license, and all other vessels bound from a port within this state to another port within this state, unless such vessel shall be in the completion of a voyage from a port or place without the state, and steam vessels as per regulation No. 15.

Duties of pilots defined.

18. Vessels of 200 tons burden and under, and liable to pay pilotage, declining the services of a pilot, shall henceforth be liable only for one-half of the regular pilotage fees. And also vessels of less than seven feet draught of water, shall be exempt from compulsory pilotage in all ports of the Commonwealth.

Certain vessels, liability.

[All single-decked vessels of not more than 350 tons, sailing under a coasting license, are exempt from compulsory pilotage, should they decline the services of a pilot. Vessels under 200 tons sailing under a register, shall be held to pay half-pilotage only, should they refuse a pilot. But if any vessel requires the services of a pilot, they shall be paid in accordance with the regular rates. Vessels taking steam by the desire of the masters thereof, shall pay the full pilotage: but when steam is taken by direction of the pilot of any vessel, she shall be held to pay 75 per cent. of the regular pilotage.]

SPECIAL REGULATIONS.

Regulations for the Pilotage of the Harbor of Boston and all places or landings accessible to vessels from sea included within the limits of Nahant Rock on the North, and Point Alderton on the South.

There shall be not less than six pilot boats constantly employed by the Boston pilots; each boat shall have a number, which shall be painted in black figures of not less than 48 inches in length, in the mainsail and jib; the numbers of boats and crews of said boats to be regulated by the commissioners.

Boston pilots, boats and regulations.

Each boat shall have a first and second master, who are required to see that all the pilot regulations are strictly conformed to; any non-performance of duty, or insubordination on the part of any pilot, upon the complaint of any master, will receive prompt investigation by the commissioners.

Each one of the pilot boats employed for the harbor of Boston, in alternate weeks, and in the order of their numbers, shall cruise on a station at the entrance of Boston harbor, outside of Boston Light, and within the limits of a line drawn from Minot's Ledge to Nahant

Head, and the boat on said station shall at all times show the established pilot boat signal, and shall by day and by night, at all times, remain on said station whenever the weather does not render it impracticable, and be on the lookout for vessels approaching Boston harbor, and shall at all times be furnished with pilots without leaving her station, and shall offer the services of a pilot to all vessels entering said harbor in accordance with the fifth general regulation; and she shall receive on board pilots from outward bound vessels, and render to them all the facilities for their return to the city of Boston which is consistent with their duty. The station boat shall not leave said station until relieved by another boat; and if the boat next in turn for said station shall at any time be unnecessarily absent from said station, the pilots on board of said boat at the time shall collectively be liable to a penalty not exceeding two hundred dollars, the amount and apportionment of which shall be decided by the commissioners, and the pilot or pilots so offending shall be liable to immediate suspension or dismissal from the pilot service at the discretion of the commissioners; but in case of accident or casualty rendering it impossible for said boat to be on her station, the fact shall be immediately reported to the commissioners, who may order any other boat to take said station, and remain until relieved, said boat being subject to the same liabilities, after receiving said order, as though it was her regular turn. In case of a want of pilots at any time on board of the station boat to supply the demand of inward bound vessels, pilots taken on board from outward bound vessels may, with the consent of the master of the station boat, go on board of inward bound vessels; but no pilot shall board an inward bound vessel except from the boat to which he belongs, without such permission.

It shall be the duty of every pilot, after having brought a vessel to the inner harbor of Boston, to have such vessel properly moored in the stream, or secured to a wharf, (below the bridges,) at the option of the master, within twenty-four hours after arrival, weather and tide permitting, without extra charge.

Nantasket Roads.

If any vessel outward bound, having a pilot on board, should anchor in Nantasket Roads, it shall be the duty of the pilot to remain on board said vessel, if requested by the master, until the next high water, and if detained after that time, he shall be entitled to receive three dollars per day for each and every day so detained.

No pilot shall leave a vessel outward bound, until to the eastward of George's Island, without permission of the master of said vessel.

Every pilot is required to perform his full share of the duties of an inward, as well as outward pilot, unless prevented by sickness, or causes satisfactory to the commissioners.

Rates of Pilotage Outward, for the Port of Boston.

<i>From November 1 to April 30, inclusive.</i>			<i>From May 1 to October 31, inclusive.</i>		
7 feet—per foot,	.	\$0 95	7 feet—per foot,	.	\$0 80
8 " "	.	95	8 " "	.	80
9 " "	.	1 00	9 " "	.	85
10 " "	.	1 00	10 " "	.	90
11 " "	.	1 05	11 " "	.	95
12 " "	.	1 10	12 " "	.	1 00
13 " "	.	1 15	13 " "	.	1 05
14 " "	.	1 20	14 " "	.	1 10
15 " "	.	1 25	15 " "	.	1 15
16 " "	.	1 30	16 " "	.	1 20
17 " "	.	1 35	17 " "	.	1 25
18 " "	.	1 45	18 " "	.	1 30
19 " "	.	1 50	19 " "	.	1 35
20 " "	.	1 60	20 " "	.	1 50
21 " "	.	2 00	21 " "	.	1 75
22 " "	.	2 50	22 " "	.	2 00
23 " "	.	3 00	23 " "	.	2 50
24 " "	.	4 25	24 " "	.	3 50
25 " "	.	5 00	25 " "	.	4 00

All national vessels of 15 feet or less draught of water, \$4 per foot.
 " " over 15 feet " " \$5 per foot.

Rates of Pilotage Inward, for the Port of Boston.

<i>From November 1 to April 30, inclusive.</i>			<i>From May 1 to October 31, inclusive.</i>		
7 feet—per foot,	.	\$1 50	7 feet—per foot,	.	\$1 20
8 " "	.	1 50	8 " "	.	1 20
9 " "	.	1 55	9 " "	.	1 30
10 " "	.	1 60	10 " "	.	1 35
11 " "	.	1 75	11 " "	.	1 40
12 " "	.	1 80	12 " "	.	1 45
13 " "	.	1 85	13 " "	.	1 50
14 " "	.	1 90	14 " "	.	1 55
15 " "	.	2 00	15 " "	.	1 65
16 " "	.	2 10	16 " "	.	1 75
17 " "	.	2 20	17 " "	.	1 90
18 " "	.	2 50	18 " "	.	2 00
19 " "	.	2 90	19 " "	.	2 10
20 " "	.	3 25	20 " "	.	2 30
21 " "	.	3 80	21 " "	.	2 75
22 " "	.	4 20	22 " "	.	3 00
23 " "	.	4 50	23 " "	.	3 50
24 " "	.	5 00	24 " "	.	4 00
25 " "	.	5 00	25 " "	.	4 50

All national vessels of 15 feet or less draught of water, \$4 per foot.
 " " over 15 feet " " \$5 per foot.

Any commissioned pilot that shall offer his services to any vessel bound into the harbor of Boston without or eastward of a line drawn from Manomet Land, Plymouth, to Thatcher's Island, Cape Ann, from the first day of November to the thirtieth day of April, inclusive, shall be entitled to receive twenty per cent. in addition to the foregoing rates.

The fees for hauling a vessel from the stream to a wharf (below the bridges) after the expiration of twenty-four hours from arrival, shall be four dollars; and for hauling a vessel from the wharf to the stream, provided the vessel does not proceed to sea within twenty-four hours from the time of anchoring, four dollars.

If any commissioned pilot offers himself to any inward bound vessel, liable to take a pilot, outside of a line drawn from Harding's Rocks to the Graves and Bass Point, and the master of the vessel should refuse to take such pilot on board, the master or owner of such vessel or either of them, shall be liable to such pilot for the regular pilotage, as if his services had been accepted.

Not less than three pilot boats shall at all times cruise in Boston Bay outside of the limits prescribed for the station boat.

Neglect of duty
by absence, lia-
bility for.

Every commissioned pilot for Boston Bay shall be attached to a pilot boat, and no pilot shall remain unattached for more than thirty days, without permission from the commissioners. Any pilot neglecting or refusing to join a pilot boat for ten days after being duly notified to join one, unless satisfactory reasons are given for non-compliance, shall be liable to suspension, or to have his commission revoked at the option of the commissioners.

Draught of vessel
not to exceed
authority of
commission, and
only pilot to act,
except, &c.

No pilot shall take charge of any vessel of a larger draught of water than his commission authorizes, nor shall any other person, not having a commission, be put on board of any vessel from either of the pilot boats in the capacity of pilot. But in the event of the master of any vessel taking on board an unauthorized person to assist him in going into port, the person so taken shall state the circumstances to the master of said vessel, and keep the usual signal flying for a pilot until within a line from the Harding's Rocks to the Graves and Bass Point, and shall give the vessel up to any authorized pilot who may offer himself.

Liabilities for
pilotage from
points defined.

Any vessel inward bound, requiring the services of a pilot when inside of a line drawn from Boston Light House to Point Alderton in the Light House Channel, or when abreast of or inside of the outer Brewster Island, in Broad Sound, shall be liable only to two-thirds of the established rates of pilotage, and if outward bound from Nantasket or President Roads, half pilotage rates only.

BAY PILOTAGE—SOUTH SHORE.

Rates west from
certain line to
places named es-
tablished.

The rates for piloting from west of a line drawn from Saugkonnet Point to Noman's Land, to the ports herein named, shall be as follows, viz.: Into Tarpaulin Cove, one dollar and fifty cents per foot; Wood's Hole, Falmouth Port, and Holmes' Hole, one dollar and seventy-five cents per foot. Into Edgartown and Hyannis, two dollars per foot; and to the bar of Nantucket Harbor, two dollars and twenty-five cents per foot. And into any other ports on the south coast of Barnstable County or on the Vineyard Sound, one dollar and seventy-five cents per foot.

Outward rates
from said ports,
etc.

The outward rates of pilotage from all the above named ports and from the bar of Nantucket harbor, if taken westward past Gay Head,

shall be three-fourths of the above; and the outward and inward rates shall be increased by twenty per cent. for all piloting done between the first day of November and the thirtieth day of April, inclusive.

The rates for piloting vessels into any of the above named ports, and to the bar of Nantucket harbor, from any point east of a line drawn from Saugkonnet Point to Noman's Land, and between said line and a line drawn due south from Tarpaulin Cove light house, shall be twenty-five per cent. less than the above named rates; and if said pilot is taken east of a line drawn due south from Tarpaulin Cove light house, fifty per cent. shall be deducted from said specified rates; and in case the master then declines taking a pilot, said pilot offering shall be entitled to one-quarter pilotage, agreeably to these regulations; and if no pilot shall have offered his services before passing a line drawn from the West Chop light house to the Nobska light house, there shall be no obligation on the part of the master or owner to pay pilotage, if the master shall then decline receiving a pilot.

Rates east of said line to said ports, etc.

The rates of pilotage for vessels coming from the eastward, bound to the aforesaid ports, shall be from east of a line drawn due north from Nantucket Great Point light house to the bar of Nantucket, one dollar and fifty cents per foot of said vessel's draught. Into Edgartown and Hyannis, one dollar and seventy-five cents per foot. Into Holmes' Hole, Falmouth Port and Wood's Hole, two dollars per foot; and into all other ports on the south coast of Barnstable County or on the Vineyard Sound, one dollar and seventy-five cents per foot; and from west of said line drawn due north from Great Point light house, twenty-five per cent. less than the foregoing. The outward rates, when passing to sea to eastward of Nantucket Shoals, shall be three-fourths of the inward rates, and both outward and inward rates shall be increased by twenty-five per cent. for all pilotage done between the first of November and the thirtieth of April, inclusive.

Vessels from eastward to same ports, etc.

Any commissioned pilot for the harbor of Boston, that may be found mating or combining, or in any way interested with any other pilot in the business of pilotage, except with those pilots belonging to the same boat with himself, shall be liable to forfeit his commission.

Liability for collusion with pilots of other boats.

The established pilot signal by day is a white and blue flag, white next to the mast; and in the night a red light.

Signals.

In the division of earnings of any pilot boat among the crew, the following allowance shall be made to those pilots holding a commission for a limited draught of water:

Division of earnings.

For a commission for 10 feet draught of water, one-third of a share.

"	"	12	"	"	one-half	"
"	"	14	"	"	two-thirds	"
"	"	16	"	"	three-fourths	"

The pilots of the port of Boston shall have an office, or keep a desk in some counting-room, in some central situation, where all communications may be left for them, and it shall be the duty of the pilots, when in Boston, to call at said office or desk twice a day at least.

Boston, office of pilots.

REGULATIONS FOR THE PILOTAGE

Of Nantucket Shoals, Vineyard Sound, and Ports bordering thereon, and also for Buzzard's Bay and Harbors bordering on its waters.

Rates.

The rates for piloting vessels through the Vineyard Sound over Nantucket Shoals into Boston Bay, or to any port of destination eastward thereof, if the pilot be taken westward of a line drawn due south from Tarpaulin Cove light house, or between said line and a line drawn from Noman's Land to Saugkonnet Point, from the first day of November to the thirtieth day of April, inclusive, shall be for vessels not drawing more than eleven feet of water, three dollars and fifty cents per foot; if drawing more than eleven feet of water, and not more than fourteen feet, four dollars per foot; if drawing more than fourteen feet, four dollars and fifty cents per foot. And from the first day of May to the thirty-first day of October, inclusive, for vessels drawing not more than eleven feet of water, two dollars and fifty cents per foot; if drawing more than eleven feet and not more than fourteen feet, three dollars per foot; if drawing more than fourteen feet, three dollars and fifty cents per foot. And if the pilot be taken west of said line, drawn from Saugkonnet Point to Noman's Land, ten per cent. shall be added to the above specified rates; and if said pilot be taken at any point east of said line, drawn due south from Tarpaulin Cove light house, ten per cent. shall be deducted from said rates; and if, during the navigation aforesaid, the pilot is detained in any port at the request of the master, commander or owner of said vessel, and not from stress of weather, he shall be allowed three dollars per day for all such detention; and in all cases five dollars shall be added to the rates aforesaid, if the vessel shall be taken to a port of destination east of Cape Ann, and not eastward of Portsmouth; and if the port of destination be Portsmouth, or eastward thereof, ten dollars shall be added to said rates: *provided, however*, that any other rates may be agreed upon, by written contract between the master, commander or owner of any vessel to be piloted, and the pilot taking charge of the vessel.

Vineyard Sound, rates.

The rates of pilotage from one port to another on the Vineyard Sound, including the south coast of Barnstable County, and from the said ports to the bar of Nantucket harbor, and *vice versa*, shall be uniformly one dollar and twenty-five cents per foot, and twenty-five per cent. additional for all pilotage done between the first day of November and the thirtieth day of April, inclusive. And for pilotage inward or outward over the bar of Nantucket harbor only, at all seasons of the year, one dollar per foot.

Nantucket Shoals, authority of pilot.

Any person holding a commission as pilot for Nantucket Shoals, is authorized to pilot vessels from any part of the Vineyard Sound, Nantucket Shoals, and ports bordering on the waters of the same, to the harbor pilots' limits of any port in Buzzard's Bay or ports west of said bay, at the following rates of pilotage:—From any point east of a line drawn due north from Cape Poge, at two dollars per foot of such vessel's draught, and if taken westward of said line, drawn due north from Cape Poge, one dollar and fifty cents per foot; and if no port pilot offers his services, with the consent of the master,

they may proceed with said vessel to her destination, and claim the whole amount of pilotage: *provided, however*, that no vessel passing through the waters of the Vineyard Sound, or over the Nantucket Shoals to ports beyond them, shall be holden to pay compulsory pilotage. But in no case shall an unauthorized pilot take charge of any vessel when a commissioned pilot can be obtained at a proper time. Pilots holding commissions for Vineyard Sound and Nantucket Shoals, who may have piloted a vessel over said shoals, whose destination is a port in Barnstable or Boston Bay, or eastward thereof, on arrival at the port of her destination, and no harbor pilot offering his services, may, with the consent of the master, (but not otherwise,) pilot such vessel into her port of destination, and receive the regular port pilot fees therefor.

Proviso.

NEW BEDFORD AND FAIRHAVEN.

Pilots especially commissioned for the purpose, shall be authorized to pilot vessels from sea, which are bound into the ports of New Bedford and Fairhaven to abreast of Clark's Point light house, and to the port pilot limits of other ports in Buzzard's Bay, (or westward thereof,) and if no port pilot offers his services, they may, with the consent of the master or owner, proceed with such vessel to her port of destination, and claim the full amount of pilotage.

Authority of pilots.

The rates of pilotage from sea from vessels bound into the ports of New Bedford and Fairhaven to abreast of Clark's Point light house, shall be one dollar and ninety cents per foot, and from abreast of Clark's Point light house to the inner harbors of New Bedford and Fairhaven, thirty-five cents per foot, and twenty per cent. additional to the sea or bay pilotage, from the first day of November to the thirtieth day of April, when a pilot offers his services or is taken west of a line drawn from Saugkonnet Point, to the south point of Noman's Land.

Rates.

The outward rates of pilotage from the ports of New Bedford and Fairhaven to abreast of Clark's Point light house, shall be thirty-five cents per foot; from abreast of Clark's Point light house, to sea, one dollar and fifty cents per foot.

Vessels bound into other ports (than New Bedford and Fairhaven) in Buzzard's Bay, and ports west of said bay, are exempt from paying compulsory bay pilotage, when coming from sea, from westward to the port pilot limits of the several ports; but if a pilot is employed, he shall be entitled to receive two dollars per foot, and if no port pilot offers his services, he may, with the consent of the master or owner, conduct said vessel to the port of her destination and claim the whole amount of pilotage.

Vessels to other ports in Bay, exemption defined.

The rates of port or harbor pilotage for all the different ports bordering on Buzzard's Bay, and to the westward thereof, excepting New Bedford and Fairhaven, shall be for vessels inward bound drawing less than twelve feet of water, one dollar per foot; for those drawing from twelve to fifteen feet of water inclusive, one dollar and thirty cents per foot; for those drawing more than fifteen, and not more than eighteen feet of water, two dollars per foot; and for those drawing over eighteen feet of water, two dollars and fifty cents per

Harbor pilotage in Bay, except, etc., rates.

foot; and the rates of pilotage for vessels outward bound from said ports, shall be three-quarters of said inward rates, and both outward and inward rates shall be increased by twenty per cent. for all pilotage done between the first day of November, and the thirtieth day of April, inclusive.

REGULATIONS AND FEES OF PILOTAGE

Applicable to the following Harbors, viz.: Provincetown, Plymouth, Newburyport, Gloucester, Rockport, Lane's Cove, Annisquam, Salem and Beverly, Marblehead, Taunton River, Merrimack River and Harbors, Dorchester and Neponset, Hingham, Weymouth and Quincy, Lynn, Mystic and Charles Rivers.

Bay and harbor pilots, six: appointment and duties.

Provincetown.—There shall be commissioned from the port of Provincetown not more than six persons, who shall be competent as bay and harbor pilots, and who shall keep a decked boat, suitable for the purpose, not less than fifty tons, and shall cruise in all seasons, for the purpose of taking vessels into Provincetown or Cape Cod harbor. Said pilots shall also be entitled to take vessels, when outside the limits of the line hereinafter defined, to or within said limits, or until spoken by a Boston pilot. Vessels bound into the port of Boston, and liable to pay pilotage, will take such pilots, when first spoken by them, and said pilots shall have authority to pilot any such vessels until spoken by a Boston pilot, when the vessel shall be given up to the first pilot commissioned for the port of Boston who may hail her; but the Cape pilot shall continue on board until relieved by a Boston pilot, to whom the vessel shall be given up; and the pilotage of such vessel shall be divided between the two pilots, *pro rata*, in proportion to the distance each may have charge of her, after passing a line drawn from Plymouth Lights to Thacher's Island, Cape Ann, in which event distance-money shall be wholly for the benefit of the Cape pilots—otherwise for the Boston pilots; but the compensation of the first pilot shall in no case be less than five dollars, which amount shall be deducted from the regular pilotage, so that in no instance shall there be any addition to the usual rates of pilotage in consequence of taking such Cape pilots.

Cape Cod and Provincetown pilots.

The limits outside of which such Cape Cod or Provincetown pilots may take a vessel bound into Boston, shall be a line drawn north-east from the Gurnet or Plymouth Lights; but all commissioned pilots for the port of Boston shall have the privilege of cruising outside of said line, as heretofore.

Vessels via Cape for Salem, etc.

Vessels coming by Cape Cod and bound for the ports of Salem, Beverly or Marblehead, who may desire the services of a Cape pilot, may take such pilot as may be competent, to the several ports or pilots, under the same restrictions as are provided for vessels bound to Boston, as above.

Rates for vessels bound to Provincetown taken south of line west from Race Point.

The rates of pilotage for all vessels liable to pay pilotage bound into the harbor of Provincetown, if taken south of a line drawn due west from Race Point light house, or between that and a line drawn due south from Wood End Bar, shall be for vessels drawing less than twelve feet of water, one dollar per foot; for those drawing from

twelve to fifteen feet of water, inclusive, one dollar and thirty cents per foot; for those drawing more than fifteen feet, and not more than eighteen feet of water, two dollars per foot; for those drawing more than eighteen feet, and not more than twenty-one feet of water, two dollars and fifty cents per foot; for those drawing more than twenty-one feet, and not more than twenty-five feet of water, three dollars and fifty cents per foot, and no more. But no vessel shall be liable to pay compulsory pilotage if the services of a pilot are refused after passing a line drawn due south from Wood End Bar. And the outward rates of pilotage shall be three-fourths the amount of said inward rates.

Plymouth.—The rates of pilotage for vessels liable to pay pilotage bound into the harbor of Plymouth, shall be one dollar per foot. Vessels arriving inside of the Gurnet, and no pilot previously offering his services, are exempt from compulsory pilotage, if a pilot's services are then refused. Rate of pilotage outward, seventy-five cents per foot. Plymouth.

Newburyport.—The rates of pilotage for vessels liable to pay pilotage bound into or out of the harbor of Newburyport, shall be, for outward bound vessels, from seven to twelve feet draught of water, sixty-five cents per foot; from twelve to fifteen feet, inclusive, eighty-five cents per foot; upwards of fifteen feet, one dollar and five cents per foot. The summer rates of pilotage for inward bound vessels, drawing from seven to under twelve feet, ninety-five cents per foot; from twelve to fifteen feet, inclusive, one dollar and twenty-five cents per foot; over fifteen feet, one dollar and sixty cents per foot. The winter rates of pilotage for inward bound vessels, drawing from seven to twelve feet of water, one dollar and twenty-five cents per foot; from twelve to fifteen feet, inclusive, one dollar and sixty-five cents per foot; over fifteen feet, two dollars and ten cents per foot. Newburyport.

The district limits of the port of Newburyport shall be, from Chabacco Bar, on the south, to the Isle of Shoals, on the north. Vessels not spoken until within the bar, shall pay only half pilotage; if not spoken until within the Black Rocks, shall pay no compulsory pilotage. Limits of district.

The pilots of Newburyport will be required to keep one or more good decked boats, and one boat shall be upon the cruising ground at all times, when the weather will permit. Boats.

Rockport, Lane's Cove, and Annisquam.—The rates of pilotage shall be, for vessels under twelve feet draught of water, seventy-five cents per foot; of twelve to fifteen feet, inclusive, one dollar per foot; over fifteen feet, one dollar and fifty cents per foot. Rockport, Lane's Cove and Annisquam.

The inward and outward rates shall be the same.

Gloucester.—The rates of pilotage for vessels liable to pay pilotage bound into the harbor of Gloucester, shall be, for vessels drawing less than twelve feet of water, one dollar per foot; for those drawing from twelve to fifteen feet of water, inclusive, one dollar and thirty cents per foot; for those drawing more than fifteen feet, and not more than eighteen feet of water, two dollars per foot; for those drawing more than eighteen feet, and not more than twenty-one feet of water, Gloucester.

two dollars and fifty cents per foot; for those drawing more than twenty-one feet, and not more than twenty-five feet of water, three dollars and fifty cents per foot, and no more. The harbor line shall be a line drawn from Norman's Woe to Dog Bar Buoy, off Eastern Point, within which line there shall be no compulsory inward pilotage. The pilots of Gloucester will be required to keep at least one decked boat, and said boat or boats shall be upon the cruising ground at all times, when the weather will permit. The pilotage on vessels outward bound shall be three-fourths of the inward rates.

Salem and
Beverly.

Salem and Beverly.—The pilots for the ports of Salem and Beverly shall keep one or more good decked boats, and shall cruise for the purpose of bringing vessels into said ports, whenever the weather does not render it impracticable.

The harbor lines of the port of Salem and Beverly, shall be a line running north by east from Half-Way Rock to the northern shore, and a line running north-westerly from Half-Way Rock to Marblehead Fort, within which lines there shall be no compulsory inward pilotage. The rates for pilotage, both for inward and outward bound vessels, shall be as follows, viz.: for vessels drawing less than nine feet of water, ninety-five cents per foot; for nine feet and less than eleven feet, one dollar and ten cents per foot; for eleven feet and less than thirteen feet, one dollar and thirty cents per foot; for thirteen feet and less than fifteen feet, one dollar and fifty cents per foot; for fifteen feet and less than seventeen feet, one dollar and seventy-five cents per foot; for seventeen feet and upwards, one dollar and ninety-five cents per foot. Any Salem and Beverly pilot having brought a vessel in, shall have such vessel properly moored in the harbor, or secured at the wharf, at the option of the master, within twelve hours after the arrival of said vessel, if the weather permits, without extra charge; but, if called upon after the expiration of the twelve hours, to haul any vessel into the wharf, the pilot shall be entitled to receive two dollars for his services, and the same sum for taking a vessel from the wharf into the harbor, if said vessel shall not proceed to sea within twelve hours from the time of her being anchored in the harbor. The signal for the pilot boats for the ports of Salem and Beverly, shall be their accustomed signal by day, viz.: a red flag with a white P, and a black ball painted on the upper part of mainsail and jib; and by night a green light.

Marblehead.

Marblehead.—The rates of pilotage for vessels liable to pay pilotage, bound into the harbor of Marblehead, shall be for vessels drawing from seven to eleven feet of water, sixty-seven cents per foot; from twelve to fourteen feet, ninety cents per foot; from fifteen to seventeen feet, one dollar and twenty cents per foot; eighteen feet and upwards, one dollar and sixty cents per foot.

The harbor limits of Marblehead shall be bounded by a line drawn from the south point of the Neck to Marblehead Rock, thence to Cat Island Rock, and thence westerly to Gerry's Island; within this line there shall be no compulsory inward pilotage. The outward rates shall be the same as the inward.

Taunton River.—The pilotage for Taunton River shall not be compulsory. When the services of a pilot are required, the rates of pilotage on all vessels piloted from Fall River to Somerset, drawing not over twenty feet of water, two dollars. From Fall River to Dighton, on vessels drawing twelve feet of water, seven dollars; eleven feet, six dollars and fifty cents; ten feet, six dollars; nine feet, five dollars and fifty cents; eight feet, five dollars; under eight feet, four dollars. From Somerset to Dighton and Berkley, fifty cents per foot for vessels drawing from eight to twelve feet of water; under eight feet, three dollars per vessel. The downward pilotage from the aforesaid places shall be one-half of the upward rates. Taunton River.

Merrimack River and Harbors.—The pilotage on the Merrimack River, between Newburyport and Haverhill shall not be compulsory. When the services of a pilot are required, the rates of pilotage authorized by the commissioners shall be, between Newburyport and ship yards at Bellville, thirty cents per foot; between Newburyport and Salisbury, fifty cents per foot; between Newburyport and Amesbury, sixty-two and one-half cents per foot; between Newburyport and Groveland, eighty-seven and one-half cents per foot; between Newburyport and Haverhill, one dollar per foot. Merrimack River and harbors.

Dorchester and Neponset.—The pilotage for the several landing places in the towns of Dorchester and Neponset, shall not be compulsory. When the services of a pilot are required, and are offered outside of a line drawn from the wharf on Thompson's Island in a direct line to Dorchester Point, the rates of pilotage authorized by the commissioners shall be, viz.: to Commercial Point, thirty cents per foot; to Neponset, forty cents per foot. The inward and outward rates to be the same. Dorchester and Neponset.

Hingham, Weymouth and Quincy.—The pilotage for the several landing places in the towns of Hingham, Weymouth and Quincy, below the bridges, shall not be compulsory. When the services of a pilot are required and are offered outside of a line drawn from Nanasket Point to the east point of Pettick's Island, from thence a line drawn to the north-west point of said Pettick's Island, from thence in a line to Sunk Island, from Sunk Island in a direct line to Hangman's Island, the rates of pilotage authorized by the commissioners shall be, viz.: To Hingham, fifty cents per foot, for vessels drawing ten feet and under; eleven and twelve feet, sixty cents per foot. To Weymouth, Braintree or Quincy Point, ten feet and under, fifty cents per foot; eleven and twelve feet, sixty cents per foot; thirteen feet, seventy-five cents per foot; fourteen feet, one dollar per foot; fifteen feet, one dollar and ten cents per foot; sixteen feet, one dollar and twenty-five cents per foot; to East Weymouth, ten feet and under, sixty cents per foot; eleven feet, sixty-five cents per foot; twelve feet, seventy cents per foot; thirteen feet, eighty-five cents per foot; fourteen feet, one dollar per foot; over fourteen feet, one dollar and twenty-five cents per foot. The inward and outward rates to be the same. Hingham, Weymouth and Quincy.

Lynn.—The pilotage for the harbor of Lynn shall not be compulsory. When the services of a pilot are required, the rates of pilot- Lynn.

age shall be, viz.: To Lynn, on vessels drawing twelve feet or less of water, three dollars per vessel; to West Lynn, three dollars per vessel. Up the river through bridges, four dollars per vessel. The outward rates shall be one-half of said inward rates.

Mystic River.

Mystic River.—The pilotage for Mystic River shall not be compulsory. When the services of a pilot are required, the rates of pilotage shall be, viz.: From outside of Chelsea Bridge in Boston harbor to Charlestown Neck or Malden Bridge, thirty-five cents per foot; to South Malden, fifty cents per foot; from Malden Bridge or either of the railroad bridges to Medford, Malden or Edgeworth, five dollars per vessel. The upward and downward rates to be the same.

Charles River.

Charles River.—The pilotage on the Charles River, from outside of Charlestown Bridge, in Boston harbor, shall not be compulsory. When the services of a pilot are required, the rates of pilotage shall be—

From outside of Charlestown Bridge, in Boston Harbor, to Fitchburg Railroad Wharf, viz.:

10 feet and under,	25 cents per foot.
11 to 13 feet,	30 “ “
14 feet and upwards,	35 “ “

To Landings within State Prison Bridge.

11 feet and under,	40 cents per foot.
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To Cragie's Bridge, including Lowell Railroad Wharves.

10 feet and under,	35 cents per foot.
11 to 13 feet,	40 “ “
14 feet and upwards,	45 “ “

To Landings between Cragie's and Cambridge Bridges, including all Landings in Cambridgeport.

11 feet and under,	40 cents per foot.
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From Cambridge Bridge to Willard's Bridge, in addition to the above rates.

11 feet and under,	60 cents per foot.
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From Cambridge Bridge to Brighton Corner.

9 feet and under,	\$6 per vessel.
10 and 11 feet,	75 cents per foot.
12 feet,	80 “ “
13 feet,	85 “ “

The upward and downward rates to be the same.

REGULATIONS FOR STATION BOATS IN BOSTON HARBOR.

Station boats,
Boston harbor,

Pilot Boat, No. 1, will take her station as prescribed by the regulations for the port of Boston, and remain on said station one week,

when Pilot Boat, No. 2, will take said station. And each successive Monday, said station will be taken by the pilot boats, in the order of their numbers.

Approved April 30, 1862.

AN ACT CONCERNING THE HINGHAM AND QUINCY TURNPIKE AND BRIDGES.

Chap. 177

Be it enacted, &c., as follows:

SECTION 1. The turnpike, way, bridges, draws and piers belonging to the Hingham and Quincy Bridge and Turnpike Corporation, and lying in the towns of Quincy, Weymouth and Hingham, are hereby laid out as, and shall become a public highway on the fourth day of July next; and no tolls shall be demanded or received for passing thereon on or after that date, except as provided in the fifth section of this act.

Turnpike and bridges made public highway, July 4, 1862.

SECTION 2. So much of said turnpike and way, excluding the abutments, bridges, draws and piers, as lies in each of the several towns of Quincy, Weymouth and Hingham, shall, on and after said fourth day of July next, be maintained by them respectively.

Maintenance defined.

SECTION 3. The supreme judicial court, or any justice thereof, upon application of said corporation or of ten legal voters of either of the counties of Norfolk or Plymouth, shall appoint a board of commissioners, consisting of three disinterested and suitable persons, not residents of either of said counties; and it shall be the duty of said commissioners, after having been sworn to the faithful and impartial performance thereof, to estimate, and after due notice to all parties interested and a hearing, to determine and award the amount to be paid to said corporation as damages for the laying out of said turnpike, way, bridges, draws and piers as aforesaid, and also the amount to be paid for the toll-houses, and the land under and around them, belonging to said corporation, and to determine and decree in what proportions said amount shall be paid by the counties of Norfolk and Plymouth respectively. Said commissioners shall also determine and decree what towns in Norfolk and Plymouth counties are benefited by the provisions of the first section of this act, and in what proportions and manner said towns shall defray the expense of the maintenance and repairs of said abutments, bridges, draws and piers, and all other expenses properly incurred under the provisions of this act, not otherwise provided for therein; and their determination and decree, or that of the major part of them, shall be made in writing and reported to the secretary of the Commonwealth, the chairmen of the boards of county

S. J. Court, on application, to appoint commissioners to estimate and award damages.

Commissioners to determine benefits to towns in Norfolk and Plymouth counties, and report to secretary of Commonwealth and other officers.

commissioners for the counties of Norfolk and Plymouth, the selectmen of each of the towns which shall be decreed to pay as aforesaid, and the clerk of said corporation, within sixty days from the date of their appointment, and shall be binding upon said counties and towns severally, in all respects, except in relation to the amount to be paid to said corporation as damages in case it shall appeal to a jury from the award of said commissioners; and if said corporation does not within sixty days after receiving the report of said commissioners, as aforesaid, make its appeal to a jury, then the award and decree of said commissioners shall be absolutely binding upon all of the parties interested. The just fees and expenses of said commissioners shall be paid by such of the parties interested as the said commissioners shall decree.

Failure to appeal in sixty days to render decree binding.

Fees of commissioners.

Corporation may appeal to a jury during pendency.

SECTION 4. In lieu of such damages as shall be awarded by said commissioners, said corporation shall have the right of appeal to a jury, in the same manner, except that the time within which an appeal may be entered shall be limited to sixty days as aforesaid, and subject to the same liability in regard to costs, as a party aggrieved by the doings of county commissioners in the estimation of his damages occasioned by the laying out of a highway, except that the application for such jury shall be made to and acted on by the commissioners of the county of Bristol, from which county the jury shall be summoned; and the costs properly incurred by the commissioners of Bristol county, on account of said appeal, and the amount recovered by said corporation as damages and costs, shall be paid by said counties of Norfolk and Plymouth, in the same proportions as shall be specified by the decree of said commissioners.

Costs, in case of, how paid.

Chairmen of selectmen of Quincy, Weymouth, and Hingham to have care of bridges, piers, etc.

SECTION 5. The chairmen of the selectmen of the towns of Quincy, Weymouth and Hingham shall, on and after the fourth day of July next, have the care and superintendence of said abutments, bridges, draws and piers, and cause them to be kept in good repair, and safe and convenient for travel, and the passage of vessels, and shall provide draw-tenders and all necessary agents, and discharge all the duties hitherto incumbent upon said corporation relative to the care and maintenance of said abutments, bridges, draws and piers; and they shall also have the care and superintendence of any land or houses that may be obtained under the provisions of this act. Said selectmen shall cause tolls to be taken at said bridges from the fourth day of July next, till the third day of July in the year eighteen hundred and sixty-four, and no longer, at the same rates as have been

Tolls, limitation defined.

charged by said corporation:—and the tolls so taken after paying the necessary incidental expenses, shall be applied to placing said bridges in a better state of repair.

SECTION 6. Liability for defects in said abutments, bridges, draws and piers, shall exist on the part of the towns wherein they respectively lie, in like manner as in case of defects in town ways; and the damages and costs which may be recovered on account of such defects, shall be paid by such towns as said commissioners shall decree, in the same manner and in the same proportions as they shall severally be required to contribute for the repairs and maintenance thereof.

Liability for defects, in bridges, piers, etc.

SECTION 7. Chapter one hundred and forty of the acts of the year eighteen hundred and sixty, is hereby repealed.

Repeal.

SECTION 8. This act shall take effect upon its passage.

Approved April 30, 1862.

AN ACT IN RELATION TO HAWKERS AND PEDLERS.

Chap. 178

Be it enacted, &c., as follows:

Nothing in the thirteenth section of the fiftieth chapter of the General Statutes shall be so construed as to include therein any articles of the growth or production of foreign countries.

General Statutes, construction defined.

Approved April 30, 1862.

AN ACT CONCERNING THE ESTATES OF INSOLVENT DEBTORS.

Chap. 179

Be it enacted, &c., as follows:

SECTION 1. The schedules required by the twentieth and twenty-second sections of chapter one hundred and eighteen of the General Statutes, shall be made on oath, and shall be delivered by the debtor, to the register of the court of insolvency, within five days after the date of the warrant issued against his estate. The schedule of the debtor's real and personal estate shall particularly describe any and all incumbrances existing on said estate or any part thereof, with the date when each of said incumbrances was created and the considerations thereof. But nothing contained in this section shall be so construed as to excuse the delivery, by the debtor to the messenger, of the schedule of creditors now required by said twentieth section.

Schedule required by chap. 118, Gen. Stat.

Estate, how described.

Construction defined.

SECTION 2. The judge of the court of insolvency, at any time after a warrant has issued against the estate of an insolvent debtor, and before the appointment of an assignee, may order the messenger to commence an action for the recovery of any debt due to the debtor, or do any other act that might be done by an assignee, if in his judgment the interests of the persons concerned in said estate will be

Judge of insolvency may order action for recovery before appointment of assignee.

Assignee may continue undetermined action.

promoted thereby. Said order may be made in or out of court. The messenger shall thereupon, in his own name, commence and prosecute any action necessary for the recovery of any claim or demand described in said order, or do any other act which he is therein directed to perform, as if he were assignee. If, when the assignee is appointed, any action, suit, or proceeding commenced by the messenger is not determined, the assignee may in his own name, or in the name of the messenger, with his consent, prosecute the same to final judgment, or otherwise proceed concerning the same conformably to law.

Judge may appoint assignees.

SECTION 3. When at the first meeting of the creditors of an insolvent debtor, the judge deems that it will be for the interest of the parties concerned, he may appoint one or more disinterested persons to be assignee or assignees of the estate of the debtor, without any election by the creditors.

Assignee to give bond, with sureties, approved by judge.

SECTION 4. Every assignee, before entering upon the execution of his trust, shall give bond with sufficient sureties in such sum as the judge shall order, payable to the judge and his successors in office, with condition for the faithful performance and discharge of his duties. The bond shall be approved by the judge by his endorsement thereon, shall be filed with the record of the case, and inure to the benefit of all creditors proving their claims, and may be prosecuted in the manner provided for the prosecution of administration bonds.

Attachments on mesne process dissolved by defendant's bond.

SECTION 5. The provisions of section one hundred and twenty-seven of the one hundred and eighteenth chapter of the General Statutes, are hereby extended to cases in which attachments on mesne process have been dissolved by bond given by the defendant. In all such cases the plaintiff may prove against the debtor's estate the legal fees, costs and expenses of the suit, and of the custody of the property, and the amount thereof shall be a privileged debt.

Notice of meetings for presentation of accounts.

SECTION 6. The notice of the third, and all subsequent meetings of creditors, shall contain a statement that the accounts of the assignees will be presented, and that creditors may appear and object to the allowance thereof. Special notice of the presentation of accounts may be ordered at other times by the judge, and shall be given in such manner as he shall direct. And in all cases the judge shall pass upon the reasonableness of the accounts of assignees, though no creditor appears to object.

Assignee may redeem mortgage foreclosed during proceedings.

SECTION 7. If a mortgage is foreclosed, pending proceedings in insolvency, and before the appointment of an assignee, or within sixty days thereafter, the assignee, when

appointed, may redeem the same at any time within sixty days after his appointment, with similar remedies, to those provided by law, for the redemption of mortgages before foreclosure.

SECTION 8. When by reason of proceedings in the supreme judicial court, or for other cause, the second or third meetings of creditors cannot be held within the time required by law, they may be held within such further time as the judge of the court of insolvency shall direct.

Second and third meetings of creditors, time of holding.

SECTION 9. The one hundred and twenty-third section of the one hundred and eighteenth chapter of the General Statutes, and all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Repeal.

Approved April 30, 1862.

AN ACT RELATING TO THE ELECTION OF TOWN OFFICERS.

Chap. 180

Be it enacted, &c., as follows :

SECTION 1. In the election of town officers, it shall not be necessary to find and check the name of the voter in the list of voters, except in the cases where the election is, or may be, required by statute to be by ballot; and in all other cases, the check-list shall be used or not, as the town, at its meeting, may determine.

Check list, use discretionary, except, etc.

SECTION 2. The election of town officers in the several towns in the Commonwealth, heretofore made at the annual town meetings, so far as the same may appear illegal, for the reason that the check-list was not used in the election of said officers, or of the moderator of any such meeting, is hereby ratified and confirmed, and the same shall be taken and deemed good and valid in law, to all intents and purposes whatsoever.

Previous elections legalized.

SECTION 3. This act shall take effect upon its passage.

Approved April 30, 1862.

AN ACT RELATING TO MUTUAL FIRE INSURANCE COMPANIES.

Chap. 181

Be it enacted, &c., as follows :

SECTION 1. Whenever the directors in any mutual fire insurance company shall make an assessment, or call on its members for money, or shall by vote determine that there exists a necessity for such assessment or call, they, or any person interested in the company as an officer, policy-holder or creditor, may apply to the supreme judicial court for any county, by a petition in the nature of a bill in equity, praying the court to examine said assessment or call, the necessity therefor, and all matters connected therewith, and to ratify, amend or annul the assessment or call, or to

S. J. Court may, upon application, decide upon necessity of assessments, and ratify or annul same.

Proviso.

Upon neglect of directors, creditor or other party may apply to S.J. Court.

order that the same be made, as law and justice may require : *provided*, such application when made by any party, except the corporation, or a receiver, or the insurance commissioners, shall rest in the discretion of the court. And whenever the directors shall unreasonably neglect to make an assessment or call, to satisfy an admitted or ascertained claim upon the company, any judgment-creditor, or any person holding such admitted or ascertained claim, or the insurance commissioners, may make the application to the court. Upon such application, if made by the directors, or upon any order of court if made by application of any other party, the directors shall set forth the claims against the company, its assets and all other facts and particulars appertaining to the matter.

Upon filing of petition, court shall proceed to examine, &c.

SECTION 2. The court before which such petition is filed shall order notice to be given to all parties interested, by publication or otherwise, and upon the return thereof shall proceed to examine the assessment or call, or the necessity therefor, and all matters connected therewith; and any parties interested may appear and be heard thereon, and all questions that may arise shall be heard and determined as in other equity cases. The court may refer the apportionment or calculation to any competent person; and upon the examination, may ratify, amend or annul the assessment or call, or order one to be made. In case the assessment or call is altered or amended, or one is ordered to be made, the directors shall forthwith proceed to vote the same in legal form, and the record of such vote shall be set forth in a supplemental bill or answer.

Decree of court shall be entered, as binding and conclusive.

SECTION 3. When an assessment or call has been, as above provided, ratified, ascertained or established, a decree shall be entered which shall be final and conclusive upon the company and all parties liable to the assessment or call, as to the necessity of the same, the authority of the company to make or collect the same, the amount thereof, and all formalities connected therewith. And where an assessment or call hereafter made shall be altered or amended by vote of directors, and decree of the court thereon, such amended or altered assessment or call shall be binding upon all parties who would have been liable under it as originally made, and in all legal proceedings shall be held to be such original assessment or call. All proceedings above provided for, shall be at the cost of the company, unless the court, for cause, otherwise order; and in all cases the court may control the disposition of the funds collected under these proceedings.

Cost of proceedings.

SECTION 4. So much of section fifty-two of chapter fifty-eight of the General Statutes, as provides for the creation of a lien by a policy of any insurance company, and for the proceedings to enforce the same, is hereby repealed; but this act shall not be construed to extend to any liens heretofore created. Repeal of statute creating lien.

SECTION 5. No director in any mutual fire insurance company shall cease to be such during the year for which he was elected, on account of the cancelling of any policy held by him. Liability of directors.

SECTION 6. The form of return for mutual fire insurance companies appended to the fifty-eighth chapter of the General Statutes, marked "C," is hereby repealed, and the form appended to this act shall hereafter be used for the annual statement of affairs by such companies. And all companies having policies in separate classes, shall in their answers specify the respective amounts in each class. Form of return amended.

SECTION 7. This act shall take effect upon its passage.

[C.]

FORM OF RETURN FOR MUTUAL FIRE INSURANCE COMPANIES.

1. Name of company.
2. Where located.
3. When incorporated.
4. Date of commencement of business.
5. Amount insured by existing policies.
6. Amount of premiums and deposits on same.
7. Amount of premiums on same received in cash.
8. Amount of United States and State stocks or notes; state par value and market value of each.
9. Amount of bank stocks, railroad stocks and bonds; state number of shares in each bank and railroad company, and par value and market value of each.
10. Cost value of real estate owned by the company.
11. Amount loaned on mortgage of real estate.
12. Amount of other investments.
13. Cash on hand and in bank.
14. Cash in hands of agents.
15. Amount of assessments regarded good, due and not paid.
16. Amount of losses ascertained and unpaid.
17. Amount of other losses claimed.
18. Amount owed for borrowed money, and on what securities.
19. Amount owing for dividends on expired policies.
20. Amount and particulars of all other liabilities.
21. Estimated amount in cash required to re-insure all outstanding risks.
22. Amount of policies terminated the past year.
23. Amount of policies issued the past year.

24. Amount of premiums received in cash the past year.
25. Amount of premiums received in notes the past year.
26. Amount received on assessments the past year.
27. Amount received for interest, including dividends on stocks and all other revenue on investments, the last year.
28. Amount of losses paid the last year.
29. Amount of cash dividends paid to policy-holders the past year.
30. Amount paid in cash as return premiums on policies cancelled the past year.
31. Amount for expenses, taxes and commissions.
32. State the gain or loss in investment account arising from changes in market values of securities the past year.
33. Amount assessed the last year.
34. Amount of liability to future assessment.
35. Highest rate of interest paid.
36. Highest rate of interest received.
37. Amount insured on real estate.
38. Amount insured on personal estate.
39. What proportion of the property insured is in Massachusetts?
40. What proportion of the losses was on property in Massachusetts?

Approved April 30, 1862.

Chap. 182

AN ACT CONCERNING JOINT STOCK ASSOCIATIONS.

Be it enacted, &c., as follows :

SECTION 1. The provisions of the sixty-first chapter of the General Statutes shall include any agricultural or horticultural business.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1862.

Chap. 183

AN ACT IN RELATION TO THE COLLECTION OF TAXES.

Be it enacted, &c., as follows :

At adjourned meeting for sale of estate, no bid being made, collector shall purchase for town.

SECTION 1. If at the time and place appointed for the sale of real estate taken for taxes, as provided in the thirty-third section of the twelfth chapter of the General Statutes, no person shall appear and bid for the estate thus offered for sale, or the rents and profits thereof, or for the whole or any part of the land, an amount equal to the tax and charges, and the sale shall have been adjourned from day to day, as provided in the thirty-fourth section of the said chapter, a public declaration of the fact shall then and there be made by the collector; immediately after which, provided no bid shall be made equal to the tax and charges, the collector shall give public notice that he shall, and that he then and there does, purchase on behalf of the town or city by which the tax is assessed, the said estate, in one of the forms set forth in the thirty-third section of said chapter: *provided, however,* that no sum exceeding the

Proviso.

amount of the tax and the incidental costs and expenses of levy and sale shall be offered by him therefor.

SECTION 2. The deed to be given by the collector in such case shall, in addition to the statements by law required, set forth the fact of the non-appearance of a purchaser at the sale advertised by him, and shall confer upon such town or city the same rights as belong to an individual to whom such a deed may be given. And the several towns and cities of this Commonwealth, in their corporate capacity, are hereby authorized as holders of said deeds, to exercise the same rights and perform the same duties as any individual purchaser of real estate taken for taxes.

Form of deed to be given by collector.

SECTION 3. If within ten days after the sale of real estate for the payment of taxes, any purchaser thereof shall fail to pay to the collector the sum offered by him, and receive his deed, the sale shall be null and void, and the town or city shall be deemed to be the purchaser of the estate according to the provisions of this act. And the deed to be given by the collector in such case, shall in addition to the statements now required by law, set forth the fact of the preceding sale, and the failure of the purchaser to pay the sum offered as aforesaid.

Purchaser of estate shall pay within ten days.

Deed to town if purchaser fail.

SECTION 4. The deed given to a town or city under the provisions of this act shall be placed in the custody of the treasurer thereof, to whom all applications for the redemption of the estate sold, under the provisions of law, shall be made. And the several towns and cities of the Commonwealth may make such regulations for the custody, management and sale of such estates, and the assignment of the tax titles thus obtained, not inconsistent with the laws of the Commonwealth, as they may deem expedient. But nothing herein contained shall take from the owner of said real estate, or his heirs or assigns, the right to redeem the same, as provided in section thirty-six, chapter twelve, of the General Statutes.

Custody of deed to town.

Town may make regulations concerning estates.

SECTION 5. The amount of the tax and all incidental costs and expenses of levy and sale provided for by law, which shall be included in any sale in accordance with the provisions of this act, shall be allowed the collector in his settlement with such town or city.

Collector allowed costs.

SECTION 6. In the deed which the collector shall execute and deliver, as provided in section thirty-five of chapter twelve of the General Statutes, there shall also be inserted a special warranty that the sale has in all particulars been conducted according to the provisions of law; and, if it should subsequently appear that, by reason of any error,

Special warranty in deed.

Redress of purchaser in case, etc.

omission or informality, in any of the proceedings of assessment or sale, the purchaser has no claim upon the property sold, there shall be paid to said purchaser, upon his surrender and discharge of the deed so given, by the town or city whose collector executed said deed, the amount paid by him, together with ten per cent. interest per annum on the same, which shall be in full satisfaction of all claims for damages for any defect in the proceedings.

Estate not redeemed by owner, town may sell, &c.

SECTION 7. If the owner does not redeem the property so purchased by the city or town within the time prescribed by the thirty-sixth section of the twelfth chapter of the General Statutes, said town or city may at any time proceed to sell the said real estate at public auction, after having given the same notice as is required in section twenty-eight, chapter twelve of the General Statutes, executing and delivering to the highest bidder therefor, a quitclaim deed; and from the money arising from said sale shall be deducted the expenses of making the sale, together with the amount paid at the first sale for tax and charges, with ten per cent. interest per annum thereon, and all intervening taxes and necessary charges; and the balance, if any, shall be deposited in the city or town treasury to be paid to the party legally entitled to the estate if the same had not been sold for taxes, if the same shall be called for within five years; and if not demanded within that time the same shall enure to the benefit of said city or town.

Taxation of estate purchased by town.

SECTION 8. If any estate shall be purchased by any city or town, according to the provisions of this act, taxes shall be assessed upon the same in the same manner as though the same were not so purchased; and said taxes shall be deducted from the proceeds of the final sale, as provided in the previous section.

Persons imprisoned for non-payment may take poor debtor's oath.

SECTION 9. When a person committed to prison for non-payment of taxes desires to take the oath for the relief of poor debtors, as provided in section fifteen, chapter twelve of the General Statutes, he may represent the same to the jailer, and the jailer shall make the same known to some magistrate named in section one, chapter one hundred and twenty-four of the General Statutes, and the magistrate shall thereupon appoint a time and place for the examination of the debtor, and shall direct the jailer to cause the debtor to be present at the same, and shall further proceed as directed in section fifteen of said chapter twelve.

Charges and fees.

SECTION 10. The following charges and fees, and no other, shall be allowed to the collector, and shall be added

to the amount of the tax, as provided in section thirty-three of chapter twelve of the General Statutes:

For making a written demand, twenty cents;

For preparing advertisement, fifty cents;

For advertisement in newspaper, the actual cost of the same;

For posting up notices in one or more public places, twenty cents for each notice;

For posting up notices on each piece of real estate, twenty cents;

For copy of notice, and the publication thereof, and obtaining affidavit of disinterested person, fifty cents;

For recording affidavit at registry of deeds, the fees of the register;

For preparing deed, two dollars;

For poundage, four per cent. on the first hundred dollars, two per cent. on the second hundred dollars, and one per cent. on the balance of the tax.

And in the event that any delinquent tax-payer offers to pay the tax before the day of sale, such charges shall be added to the tax as have intervened at the time of said offer to pay.

SECTION 11. Section ninety-six of chapter one hundred and eighteen of the General Statutes is hereby amended, by adding at the end of the first clause therein, after the word "state," the words "or any county, city or town therein," so that county, city and town taxes shall be entitled to the same priority or preference as state taxes are now entitled to in cases of insolvent debtors.

General statutes amended.

Approved April 30, 1862.

AN ACT CONCERNING THE INDIANS OF THE COMMONWEALTH.

Be it enacted, &c., as follows:

Chap. 184

SECTION 1. All Indians and descendants of Indians are hereby placed on the same legal footing as the other inhabitants of the Commonwealth, except such as are or have been supported in whole or in part by the state, and except also those residing on the Indian Plantations of the Chappequidick, Christiantown, Gay Head, Marshpee, Herring Pond, Fall River and Dudley tribes, or those whose homes are on some one of said Plantations and who are only temporarily absent therefrom.

Civil rights declared.

Persons excepted.

SECTION 2. Any Indian or person of color belonging to any of the Indian tribes specially enumerated in the first section of this act, and to whom the rights of citizenship are not thereby extended, and who desires to possess such rights, may, if residing within the limits of any city or town of this

Excepted person may assume rights.

Commonwealth, certify his desire to the clerk of said city or town, who shall make record of the same ; and, upon paying a poll-tax, he shall become to all intents and purposes a citizen of the state and shall not thenceforward return to the legal condition of an Indian. Settlement shall be acquired by those who thus become citizens, in the same manner as by other persons ; and any such citizen becoming a pauper without having acquired a settlement shall be deemed a state pauper.

Act not to affect rights, &c., of existing tribes, except as after provided.

SECTION 3. The provisions of this act shall not be deemed or taken to change the existing laws affecting the rights of property or person, or the administration of the affairs, of the Indians or descendants of Indians continuing to be members of and to constitute the Chappaquiddick, Christiantown, Marshpee, Herring Pond, Fall River and Dudley tribes of Indians ; except as is hereinafter provided as to the Gay Head tribe, and as to the registration of the persons or lands of those and of the other Indians.

District of Gay Head estab-
lished.

Powers, duties,
&c.

Proviso.

SECTION 4. The Plantation of Gay Head, together with the Indians and people of color constituting the Gay Head tribe of Indians, are hereby made a body politic and corporate, as a district, by the name of the District of Gay Head, to possess the same powers and privileges and be subject to all the duties and liabilities, which are now provided by law for the District of Marshpee: *provided, however*, that no person shall be authorized to vote in municipal affairs, except natives of the Gay Head tribe, or of other Indian tribes of this state, married or having been married to a Gay Head woman, or such other person resident on the Plantation or only temporarily absent therefrom, and married or having been married to a Gay Head woman, as shall have the right conferred on him by two-thirds of the voters of the district. And the acting clerk of the Plantation of Gay Head shall by proper notice cause the male proprietors thereof to meet at some convenient time and place by him designated to organize the said district.

Registry of mem-
bers of tribes.

SECTION 5. The clerks of the Districts of Marshpee and Gay Head, and the guardians of other Indian tribes, shall make or cause to be made a register of the existing members of said tribes, and shall hereafter keep or cause to be kept a register of all the members thereof, and of all the marriages, births and deaths therein ; and they shall also make or cause to be made a register of the lands of each Plantation, as at present held, whether in common or severalty, and if in severalty, by whom held ; and shall

hereafter keep or cause to be kept a register of all changes in the holding of the land of the Plantation.

SECTION 6. This act shall take effect upon its passage.

Approved April 30, 1862.

AN ACT RELATING TO THE DISCHARGE OF LIENS ON SHIPS AND VESSELS. *Chap. 185*

Be it enacted, &c., as follows :

Whenever a contractor or sub-contractor shall unreasonably neglect or refuse to pay for labor by him procured to be performed in constructing, repairing or launching any ship or vessel upon which a lien shall exist therefor, the owner or other person who made the agreement with such contractor or sub-contractor, may pay the debt secured by said lien, and have the same claim against such contractor or sub-contractor as if the said lien had been enforced by judgment of court.

Upon neglect of contractors to pay for labor, owner authorized.

Approved April 30, 1862.

AN ACT TO INCORPORATE THE PUTNAM HALL ASSOCIATION IN CAMBRIDGE. *Chap. 186*

Be it enacted, &c., as follows :

SECTION 1. Knowlton S. Chaffee, George S. Mitchell, John H. Leighton, Augustus P. Griffing, and James M. Price, their associates and successors, are hereby made a corporation by the name of the Putnam Hall Association in Cambridge, for the purpose of providing and maintaining a building in said Cambridge, which shall contain a hall or halls, and other rooms.

Corporators.

Title.

Purpose.

SECTION 2. Said corporation may, for the purposes aforesaid, hold real estate, not exceeding in value, twenty thousand dollars, and shall be subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes.

Real estate.

Privileges and restrictions.

Approved April 30, 1862.

AN ACT TO REGULATE THE INVESTMENTS AND SECURITIES OF THE COMMONWEALTH. *Chap. 187*

Be it enacted, &c., as follows :

SECTION 1. All moneys belonging to funds over which the Commonwealth has exclusive control, shall hereafter be invested in securities of said Commonwealth, or in the notes or bonds of the several counties, cities and towns thereof, or in the scrip or bonds of the several New England States, of the state of New York, or of the United States ; and said investments shall be made by the treasurer of the Commonwealth, with the approval of the governor and council.

Trust funds, how invested.

SECTION 2. It shall be the duty of the governor annually, in the month of August, to appoint a committee of the

Council to examine securities.

Governor and council may direct treasurer.

council who shall examine into the value of the notes and securities in charge of the treasurer of the Commonwealth, and report thereupon to the governor and council, who may, if they find good and sufficient cause, direct said treasurer to make sale of, or collect by due course of law, any such notes or securities, over which the Commonwealth has exclusive control, and invest the proceeds according to section first.

SECTION 3. This act shall take effect upon its passage.

Approved April 30, 1862.

Chap. 188 AN ACT CONCERNING ACTIONS BY OR AGAINST PERSONS IN THE MILITARY OR NAVAL SERVICE OF THE UNITED STATES.

Be it enacted, &c., as follows :

Absence not to affect rights.

SECTION 1. The time of the absence from the Commonwealth, of any person heretofore or hereafter duly mustered or entered into the military or naval service of the United States, under any act of congress making provision to suppress the existing insurrection and enforce the laws, shall not be taken as part of the period limited for the prosecution of actions by such person: *provided*, that nothing herein contained shall have the effect to extend said period more than six months after such person shall have been discharged from the service of the United States.

Proviso.

Defendant when defaulted may sue out writ of review.

SECTION 2. When judgment shall have been rendered upon the default of any defendant absent from the Commonwealth in the military or naval service of the United States as aforesaid, it shall be lawful for such defendant at any time within six months after his discharge from such service, to sue, as of right, a writ of review out of the court in which the judgment was rendered, in manner and form as provided by the General Statutes.

Defendant absent court may continue or suspend suit.

SECTION 3. Whenever in any suit it shall be made to appear to the court that the defendant is absent from the Commonwealth in the military or naval service of the United States, as aforesaid, the court may in its discretion order the suit to be continued without costs to either party; and if in such suit any person be summoned as trustee of such defendant, so absent as aforesaid, or the person summoned in any suit as trustee be so absent in the military or naval service of the United States as aforesaid, the court may also in its discretion suspend the proceedings against the alleged trustee without costs to either party: *provided*, that no such continuance shall be allowed beyond the period of six months after the discharge of such principal defendant or alleged trustee from the service of the United States.

Proviso.

SECTION 4. None of the provisions of this act shall be deemed to apply to any case in which an executor or administrator is party, either as plaintiff or defendant. Act, how construed.

SECTION 5. This act shall take effect upon its passage.

Approved April 30, 1862.

AN ACT RELATING TO THE DISCHARGE OF CONVICTS SUPPOSED TO BE REFORMED.

Chap. 189

Be it enacted, &c., as follows :

SECTION 1. When it appears to the overseers or directors of a house of correction, house of industry, or workhouse, that a person there confined on conviction, before any police court, of either of the offences mentioned in section twenty-eight of chapter one hundred and sixty-five of the General Statutes, has reformed and is willing and desirous to return to an orderly course of life, they may by a written order discharge him from confinement. Certain convicts may be discharged, on evidence, &c.

SECTION 2. So much of the seventeenth section of the one hundred and seventy-eighth chapter of the General Statutes as is inconsistent herewith, is hereby repealed. Repeal.

Approved April 30, 1862.

AN ACT IN RELATION TO THE LEVY OF EXECUTIONS UPON LANDS NOT ATTACHED ON MESNE PROCESS.

Chap. 190

Be it enacted, &c., as follows :

SECTION 1. In cases where lands are taken on execution, the same not having been attached on mesne process, in the suit in which the execution issues, the officer upon taking the lands shall deposit in the office of the clerk of the courts for the county where the lands lie, or in the office of the clerk of the supreme judicial court, if the lands lie in the county of Suffolk, a copy of the execution, with a memorandum on the same, stating that the execution has been placed in his hands for the purpose of taking the lands of the defendant. Officer shall deposit copy of execution with clerk of court.

SECTION 2. The clerk shall note on every such copy, the day, hour and minute when he receives it, and shall file the same in his office. He shall also enter in the book kept by him for the purpose of entering the names of plaintiffs and defendants in suits where attachments of real estate are made, the name of the plaintiff and the name of the defendant mentioned in the copy, and the time when the copy was deposited. Duty of clerk.

SECTION 3. The officer depositing the copy shall be entitled to receive four cents per mile from the place where he received the execution, to the office of the clerk, together Fees.

with his fee for the copy. The fee of the clerk shall be twenty-five cents, for which he shall not be holden to render any account, and which shall be paid on delivery of the copy, and may be collected by the plaintiff in addition to the amount of his execution.

Levy invalid before copy is deposited.

SECTION 4. No levy upon land shall be valid against a person purchasing without notice, for a valuable consideration, and in good faith, before the copy of the execution is deposited in the clerk's office, in accordance with the provisions of section first of this act.

Construction.

SECTION 5. Nothing in this act shall be construed to affect any existing levy or seizure.

Approved April 30, 1862.

Chap. 191

AN ACT IN RELATION TO THE WINNISIMMET RAILROAD COMPANY.

Be it enacted, &c., as follows:

May use tracks of another company.

SECTION 1. The Winnisimmet Railroad Company is hereby authorized to enter upon and use with its horses and cars, the tracks of any other horse railroad company in the city of Boston, for the purpose of transporting its own passengers to and from Scollay's Building, so called, in Court Street, in said Boston, or such point northerly of Cornhill, as shall from time to time be fixed by the mayor and aldermen of the city of Boston, subject to the convenience of the corporations owning the tracks which it may be necessary to use for such purpose, and subject also to the permission of the mayor and aldermen of said city, and such regulations as they may establish in regard to such use, and for such rates of compensation as may be agreed upon, or in case of disagreement with either of the companies, whose tracks shall be so used, the same shall be fixed by three commissioners appointed by the supreme judicial court.

City council may establish regulations.

Company may lease its road.

SECTION 2. Said railroad company may lease its real estate, tracks, franchise and rights to any person or persons, or any other horse railroad company, for such term of years as may be agreed upon by the contracting parties.

Approved April 30, 1862.

Chap. 192

AN ACT IN RELATION TO THE LYNN AND BOSTON RAILROAD COMPANY.

Be it enacted, &c., as follows:

May use tracks of Winnisimmet Company, &c.

SECTION 1. The Lynn and Boston Railroad Company is hereby authorized to enter upon and use with its horses and cars, the tracks of the Winnisimmet Railroad Company within the city of Chelsea, the lands, ferry-ways, drops and boats of the Winnisimmet Ferry Company, and the tracks of any horse railroad company in the city of Boston, for the purpose of transporting its own passengers to and from

Scollay's Building, so called, in Court Street, in said Boston, or such point northerly of Cornhill as shall be from time to time fixed by the mayor and aldermen of the city of Boston, subject to the convenience of the corporations whose tracks it may be necessary to use for such purpose, and subject also to the permission of the mayor and aldermen of said cities, and such regulations as they may establish in regard to such use, and for such rates of compensation as may be agreed upon; or, in case of disagreement with either of the companies whose tracks shall be so used, the same shall be fixed by three commissioners, to be appointed by the supreme judicial court.

City councils
may establish
regulations.

Disagreement,
how determined.

SECTION 2. Said railroad company may lease its real estate, tracks, franchise and rights to any person or persons, or to any other horse railroad company, for such term of years as may be agreed upon by the contracting parties.

Company may
lease its road.

SECTION 3. Section seventeen of the the two hundred and second chapter of the acts of the year eighteen hundred and fifty-nine, is hereby repealed.

Repeal.

SECTION 4. The time for constructing the road of said company in the towns of Swampscott and Marblehead, is hereby extended for two years.

Time of con-
structing.

Approved April 30, 1862.

AN ACT TO INCREASE THE CAPITAL STOCK OF THE TAUNTON COPPER MANUFACTURING COMPANY.

Chap. 193

Be it enacted, &c., as follows:

The Taunton Copper Manufacturing Company is hereby authorized to increase its capital stock an amount not exceeding three hundred thousand dollars, and to invest the same in real or personal estate, as may be necessary and convenient for carrying on the business of said corporation.

Increase author-
ized.

Approved April 30, 1862.

AN ACT TO CHANGE THE NAME OF THE GLOBE LOCOMOTIVE WORKS.

Chap. 194

Be it enacted, &c., as follows:

The title of the corporation named the Globe Locomotive Works is hereby changed by striking out the word "Locomotive" so that the name and title of the said corporation shall be the "Globe Works."

Approved April 30, 1862.

AN ACT CEDING JURISDICTION OVER CERTAIN LANDS IN CHARLESTOWN TO THE UNITED STATES.

Chap. 195

Be it enacted, &c., as follows:

SECTION 1. Jurisdiction is hereby granted and ceded to the United States of America, over all that certain lot or tract of land, with the buildings thereon, situate in the city of Charlestown, in this Commonwealth, on Water Street, and lying between the wall on the south-westerly side of the navy

Land ceded for
navy yard.

yard and Caswell's Wharf, so called, containing about one hundred and twenty thousand square feet; and consent is hereby given to the purchase of the same by the United States, for the purpose of using the same as a part of the navy yard : *provided, always*, that this Commonwealth shall retain and does retain concurrent jurisdiction with the United States, in and over all the lands aforesaid, so far as that all civil and all criminal processes, issuing under the authority of this Commonwealth, may be executed on said lands, and in any buildings thereon, or to be erected thereon, in the same way and manner as if jurisdiction had not been granted as aforesaid; and *provided*, that the exclusive jurisdiction shall revert to, and revest in the Commonwealth of Massachusetts, whenever the said land shall cease to be used for the sole purpose herein before declared; and *provided, also*, that the jurisdiction of the United States shall not include any part of said Water Street.

Provisos.

Plan to be filed.

SECTION 2. This act shall be void, unless a suitable plan of the premises, or such portion or portions thereof as may be purchased by the United States, shall be made and filed by the United States, in the office of the secretary of this Commonwealth, within one year from the purchase of the land by the United States.

Act, when to take effect.

SECTION 3. This act shall take effect from and after the purchase of such lands, or of any portion or portions thereof, by the United States, the evidence of such purchase being duly recorded in the registry of deeds for the county of Middlesex.

Approved April 30, 1862.

Chap. 196

AN ACT TO INCORPORATE THE AMERICAN BITUMINIZED PIPE COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Elisha S. Convers, Oliver Bennett, Jonathan Peirce, their associates and successors, are hereby made a corporation by the name of The American Bituminized Pipe Company, for the purpose of manufacturing bituminized pipes, in the county of Suffolk, or either county adjoining the county of Suffolk; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the sixty-eighth chapter of the General Statutes.

Title.

Powers and duties.

Real estate

Capital.

SECTION 2. The said corporation may hold, for the purpose aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of two hundred thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved April 30, 1862.

AN ACT TO APPORTION AND ASSESS A TAX OF ONE MILLION SEVEN HUNDRED NINETY-SEVEN THOUSAND FIVE HUNDRED SIXTEEN DOLLARS. *Chap. 197*

Be it enacted, &c., as follows:

SECTION 1. Each town and city in this Commonwealth shall be assessed and pay the several sums with which they stand respectively charged in the following schedule, that is to say:—

Assessment of
cities and towns.

SUFFOLK COUNTY.

Boston, . . .	Five hundred sixty-seven thousand four hundred fifty dollars,	\$567,450 00
Chelsea, . . .	Fourteen thousand seventy-six dollars,	14,076 00
North Chelsea, .	One thousand five hundred twelve dollars,	1,512 00
Winthrop, . . .	Nine hundred dollars,	900 00
		<hr/> \$583,938 00

ESSEX COUNTY.

Amesbury, . . .	Three thousand two hundred four dollars,	\$3,204 00
Andover, . . .	Four thousand nine hundred eighty-six dollars,	4,986 00
Beverly, . . .	Six thousand seven hundred eighty-six dollars,	6,786 00
Boxford, . . .	One thousand three hundred thirty-two dollars,	1,332 00
Bradford, . . .	One thousand eight hundred eighteen dollars,	1,818 00
Danvers, . . .	Five thousand three hundred eighty-two dollars,	5,382 00
Essex,	Two thousand fifty-two dollars,	2,052 00
Georgetown, . .	One thousand six hundred seventy-four dollars,	1,674 00
Gloucester, . .	Nine thousand five hundred ninety-four dollars,	9,594 00
Groveland, . . .	One thousand two hundred ninety-six dollars,	1,296 00
Hamilton, . . .	Nine hundred seventy-two dollars,	972 00
Haverhill, . . .	Eleven thousand nine hundred thirty-four dollars,	11,934 00
Ipswich,	Two thousand eight hundred sixty-two dollars,	2,862 00
Lawrence, . . .	Twenty thousand four hundred thirty dollars,	20,430 00
Lynn,	Nineteen thousand nine hundred twenty-six dollars,	19,926 00
Lynnfield, . . .	One thousand one hundred fifty-two dollars,	1,152 00

ESSEX COUNTY—CONTINUED.

Manchester, . .	One thousand seven hundred sixty-four dollars,	\$1,764 00
Marblehead, . .	Five thousand seven hundred twenty-four dollars,	5,724 00
Methuen, . . .	Two thousand eight hundred twenty-six dollars,	2,826 00
Middleton, . . .	Eight hundred sixty-four dollars,	864 00
Nahant,	Nine hundred ninety dollars,	990 00
Newbury,	One thousand seven hundred ten dollars,	1,710 00
Newburyport, . .	Fourteen thousand seventy-six dollars,	14,076 00
North Andover, .	Three thousand two hundred four dollars,	3,204 00
Rockport,	Three thousand forty-two dollars,	3,042 00
Rowley,	One thousand one hundred thirty-four dollars,	1,134 00
Salem,	Twenty-nine thousand five hundred thirty-eight dollars,	29,538 00
Salisbury,	Three thousand two hundred seventy-six dollars,	3,276 00
Saugus,	Two thousand four hundred forty-eight dollars,	2,448 00
South Danvers, .	Seven thousand four hundred seventy dollars,	7,470 00
Swampscott, . . .	Two thousand one hundred six dollars,	2,106 00
Topsfield,	One thousand three hundred eighty-six dollars,	1,386 00
Wenham,	One thousand one hundred eighty-eight dollars,	1,188 00
West Newbury, . .	Two thousand one hundred twenty-four dollars,	2,124 00
		<hr/> \$180,270 00

MIDDLESEX COUNTY.

Acton,	One thousand eight hundred eighteen dollars,	\$1,818 00
Ashby,	One thousand forty-four dollars,	1,044 00
Ashland,	One thousand three hundred eighty-six dollars,	1,386 00
Bedford,	Nine hundred seventy-two dollars,	972 00
Belmont,	Three thousand nine hundred sixty dollars,	3,960 00
Billerica,	Two thousand one hundred seventy-eight dollars,	2,178 00

MIDDLESEX COUNTY—CONTINUED.

Boxborough, . .	Four hundred sixty-eight dollars, .	\$168 00
Brighton, . . .	Six thousand seven hundred eighty-six dollars,	6,786 00
Burlington, . .	Eight hundred forty-six dollars, . .	846 00
Cambridge, . .	Forty thousand sixty-eight dollars, .	40,068 00
Carlisle, . . .	Seven hundred two dollars, . . .	702 00
Charlestown, .	Thirty-one thousand one hundred seventy-six dollars,	31,176 00
Chelmsford, . .	Two thousand eight hundred sixty-two dollars,	2,862 00
Concord, . . .	Three thousand three hundred forty-eight dollars,	3,348 00
Dracut,	Two thousand eighty-eight dollars, .	2,088 00
Dunstable, . .	Eight hundred ten dollars,	810 00
Framingham, .	Four thousand six hundred ninety-eight dollars,	4,698 00
Groton,	Three thousand two hundred four dollars,	3,204 00
Holliston, . . .	Three thousand two hundred ninety-four dollars,	3,294 00
Hopkinton, . .	Three thousand three hundred forty-eight dollars,	3,348 00
Lexington, . .	Three thousand six hundred thirty-six dollars,	3,636 00
Lincoln,	One thousand ninety-eight dollars, .	1,098 00
Littleton, . . .	One thousand three hundred eighty-six dollars,	1,386 00
Lowell,	Forty-two thousand four hundred eight dollars,	42,408 00
Malden,	Seven thousand ninety-two dollars, .	7,092 00
Marlborough, .	Four thousand six hundred forty-four dollars,	4,644 00
Medford,	Nine thousand five hundred ninety-four dollars,	9,594 00
Melrose,	Two thousand eight hundred ninety-eight dollars,	2,898 00
Natick,	Four thousand four hundred sixty-four dollars,	4,464 00
Newton,	Thirteen thousand nine hundred eighty-six dollars,	13,986 00
North Reading, .	One thousand one hundred eighty-eight dollars,	1,188 00
Pepperell, . . .	One thousand eight hundred dollars, .	1,800 00
Reading,	Two thousand eight hundred twenty-six dollars,	2,826 00

MIDDLESEX COUNTY—CONTINUED.

Sherborn, . . .	One thousand seven hundred sixty-four dollars, . . .	\$1,764 00
Shirley, . . .	One thousand four hundred fifty-eight dollars, . . .	1,458 00
Somerville, . .	Eleven thousand eight hundred eighty dollars, . . .	11,880 00
South Reading, .	Three thousand nine hundred sixty dollars, . . .	3,960 00
Stoneham, . . .	Two thousand nine hundred sixteen dollars, . . .	2,916 00
Stow,	One thousand five hundred sixty-six dollars, . . .	1,566 00
Sudbury, . . .	Two thousand one hundred seventy-eight dollars, . . .	2,178 00
Tewksbury, . .	One thousand three hundred sixty-eight dollars, . . .	1,368 00
Townsend, . . .	One thousand six hundred two dollars, . . .	1,602 00
Tyngsborough, .	Seven hundred two dollars, . . .	702 00
Waltham, . . .	Nine thousand two hundred seventy dollars, . . .	9,270 00
Watertown, . .	Five thousand one hundred thirty dollars, . . .	5,130 00
Wayland, . . .	One thousand one hundred seventy dollars, . . .	1,170 00
West Cambridge, .	Four thousand eight hundred six dollars, . . .	4,806 00
Westford, . . .	One thousand seven hundred twenty-eight dollars, . . .	1,728 00
Weston,	Two thousand thirty-four dollars, . . .	2,034 00
Wilmington, . .	One thousand eight dollars, . . .	1,008 00
Winechester, . .	Three thousand seventy-eight dollars, . . .	3,078 00
Woburn,	Seven thousand seven hundred forty dollars, . . .	7,740 00
		<hr/> \$277,434 00

WORCESTER COUNTY.

Ashburnham, . .	One thousand eight hundred eighteen dollars, . . .	\$1,818 00
Athol,	Two thousand two hundred sixty-eight dollars, . . .	2,268 00
Auburn,	Eight hundred sixty-four dollars, . . .	864 00
Barre,	Three thousand five hundred ten dollars, . . .	3,510 00
Berlin,	Nine hundred fifty-four dollars, . . .	954 00

WORCESTER COUNTY—CONTINUED.

Blackstone, . . .	Four thousand three hundred thirty-eight dollars,	\$4,338 00
Bolton, . . .	One thousand two hundred seventy-eight dollars,	1,278 00
Boylston, . . .	One thousand eight dollars,	1,008 00
Brookfield, . . .	One thousand eight hundred ninety dollars,	1,890 00
Charlton, . . .	Two thousand thirty-four dollars,	2,034 00
Clinton, . . .	Three thousand six hundred fifty-four dollars,	3,654 00
Dana, . . .	Six hundred twelve dollars,	612 00
Douglas, . . .	Two thousand one hundred sixty dollars,	2,160 00
Dudley, . . .	One thousand five hundred forty-eight dollars,	1,548 00
Fitchburg, . . .	Eight thousand one hundred ninety dollars,	8,190 00
Gardner, . . .	Two thousand two hundred fourteen dollars,	2,214 00
Grafton, . . .	Three thousand nine hundred six dollars,	3,906 00
Hardwick, . . .	One thousand nine hundred forty-four dollars,	1,944 00
Harvard, . . .	One thousand eight hundred seventy-two dollars,	1,872 00
Holden, . . .	One thousand eight hundred dollars,	1,800 00
Hubbardston, . . .	One thousand four hundred fifty-eight dollars,	1,458 00
Lancaster, . . .	One thousand eight hundred eighteen dollars,	1,818 00
Leicester, . . .	Three thousand three hundred forty-eight dollars,	3,348 00
Leominster, . . .	Three thousand seven hundred twenty-six dollars,	3,726 00
Lunenburg, . . .	One thousand five hundred forty-eight dollars,	1,548 00
Mendon, . . .	One thousand five hundred forty-eight dollars,	1,548 00
Milford, . . .	Seven thousand seven hundred four dollars,	7,704 00
Millbury, . . .	Three thousand two hundred four dollars,	3,204 00
New Braintree, . . .	One thousand one hundred sixteen dollars,	1,116 00
North Brookfield, . . .	Two thousand six hundred sixty-four dollars,	2,664 00
Northborough, . . .	One thousand nine hundred sixty-two dollars,	1,962 00
Northbridge, . . .	Two thousand two hundred thirty-two dollars,	2,232 00

WORCESTER COUNTY—CONTINUED.

Oakham, . . .	Seven hundred seventy-four dollars, .	\$774 00
Oxford, . . .	Two thousand six hundred sixty-four dollars,	2,664 00
Paxton, . . .	Seven hundred two dollars,	702 00
Petersham, . .	One thousand four hundred seventy-six dollars,	1,476 00
Phillipston, . .	Six hundred eighty-four dollars,	684 00
Princeton, . .	One thousand five hundred twelve dollars,	1,512 00
Royalston, . .	One thousand seven hundred forty-six dollars,	1,746 00
Rutland, . . .	One thousand one hundred sixteen dollars,	1,116 00
Shrewsbury, . .	Two thousand three hundred four dollars,	2,304 00
Southborough, .	Two thousand seventy dollars,	2,070 00
Southbridge, . .	Two thousand nine hundred eighty-eight dollars,	2,988 00
Spencer, . . .	Two thousand eight hundred eighty dollars,	2,880 00
Sterling, . . .	Two thousand one hundred six dollars,	2,106 00
Sturbridge, . .	One thousand nine hundred eighty dollars,	1,980 00
Sutton, . . .	Two thousand four hundred twelve dollars,	2,412 00
Templeton, . .	Two thousand five hundred seventy-four dollars,	2,574 00
Upton,	One thousand seven hundred twenty-eight dollars,	1,728 00
Uxbridge, . . .	Three thousand five hundred ten dollars,	3,510 00
Warren,	One thousand eight hundred thirty-six dollars,	1,836 00
Webster, . . .	Two thousand four hundred eighty-four dollars,	2,484 00
West Boylston, .	Two thousand fifty-two dollars,	2,052 00
West Brookfield,	One thousand four hundred fifty-eight dollars,	1,458 00
Westborough, .	Two thousand six hundred eighty-two dollars,	2,682 00
Westminster, .	One thousand seven hundred ten dollars,	1,710 00
Winchendon, .	Two thousand four hundred thirty dollars,	2,430 00
Worcester, . .	Thirty-five thousand eight hundred thirty-eight dollars,	35,838 00
		<hr/> \$165,906 00

HAMPSHIRE COUNTY.

Amherst, . . .	Three thousand four hundred two dollars, . . .	\$3,402 00
Belchertown, .	Two thousand four hundred thirty dollars, . . .	2,430 00
Chesterfield, .	Nine hundred thirty-six dollars, . . .	936 00
Cummington, .	Eight hundred sixty-four dollars, . . .	864 00
Easthampton, .	One thousand nine hundred eight dollars, . . .	1,908 00
Enfield, . . .	One thousand two hundred forty-two dollars, . . .	1,242 00
Goshen, . . .	Three hundred seventy-eight dollars, . . .	378 00
Granby, . . .	One thousand forty-four dollars, . . .	1,044 00
Greenwich, . .	Six hundred forty-eight dollars, . . .	648 00
Hadley, . . .	Two thousand six hundred ten dollars, . . .	2,610 00
Hatfield, . . .	Two thousand one hundred forty-two dollars, . . .	2,142 00
Huntington, . .	One thousand forty-four dollars, . . .	1,044 00
Middlefield, . .	Seven hundred two dollars, . . .	702 00
Northampton, .	Seven thousand seven hundred twenty-two dollars, . . .	7,722 00
Pelham, . . .	Four hundred sixty-eight dollars, . . .	468 00
Plainfield, . .	Six hundred twelve dollars, . . .	612 00
Prescott, . . .	Five hundred fifty-eight dollars, . . .	558 00
South Hadley, .	Two thousand two hundred sixty-eight dollars, . . .	2,268 00
Southampton, .	One thousand one hundred sixteen dollars, . . .	1,116 00
Ware, . . .	Three thousand twenty-four dollars, . . .	3,024 00
Westhampton, .	Six hundred forty-eight dollars, . . .	648 00
Williamsburg, .	Two thousand sixteen dollars, . . .	2,016 00
Worthington, .	Nine hundred seventy-two dollars, . . .	972 00
		\$38,754 00

HAMPDEN COUNTY.

Agawam, . . .	One thousand five hundred thirty dollars, . . .	\$1,530 00
Blandford, . .	One thousand one hundred eighty-eight dollars, . . .	1,188 00
Brimfield, . .	One thousand five hundred twelve dollars, . . .	1,512 00
Chester, . . .	One thousand sixty-two dollars, . . .	1,062 00
Chicopee, . . .	Six thousand three hundred seventy-two dollars, . . .	6,372 00
Granville, . . .	One thousand forty-four dollars, . . .	1,044 00
Holland, . . .	Three hundred sixty dollars, . . .	360 00
Holyoke, . . .	Four thousand five hundred seventy-two dollars, . . .	4,572 00
Longmeadow, .	One thousand nine hundred eight dollars, . . .	1,908 00
Ludlow, . . .	One thousand twenty-six dollars, . . .	1,026 00
Monson, . . .	Two thousand four hundred sixty-six dollars, . . .	2,466 00
Montgomery, .	Three hundred sixty dollars, . . .	360 00
Palmer, . . .	Two thousand eight hundred sixty-two dollars, . . .	2,862 00
Russell, . . .	Four hundred eighty-six dollars, . . .	486 00
Southwick, . .	One thousand three hundred fourteen dollars, . . .	1,314 00
Springfield, . .	Eighteen thousand four hundred fourteen dollars, . . .	18,414 00
Tolland, . . .	Six hundred twelve dollars, . . .	612 00
Wales,	Six hundred forty-eight dollars, . . .	648 00
West Springfield,	Two thousand one hundred ninety-six dollars, . . .	2,196 00
Westfield, . .	Six thousand twelve dollars, . . .	6,012 00
Wilbraham, . .	One thousand nine hundred eight dollars, . . .	1,908 00
		<hr/> \$57,852 00

FRANKLIN COUNTY.

Ashfield, . . .	One thousand three hundred fifty dollars, . . .	\$1,350 00
Bernardston, .	Nine hundred ninety dollars, . . .	990 00
Buckland, . . .	One thousand two hundred sixty dollars, . . .	1,260 00

FRANKLIN COUNTY—CONTINUED.

Charlemont, . .	Nine hundred dollars,	\$900 00
Colrain, . . .	One thousand three hundred thirty-two dollars,	1,332 00
Conway, . . .	One thousand six hundred thirty-eight dollars,	1,638 00
Deerfield, . .	Two thousand seven hundred eighteen dollars,	2,718 00
Erving, . . .	Four hundred fourteen dollars, . . .	414 00
Gill,	Eight hundred ten dollars,	810 00
Greenfield, . .	Three thousand three hundred sixty-six dollars,	3,366 00
Hawley, . . .	Five hundred fifty-eight dollars, . . .	558 00
Heath,	Five hundred seventy-six dollars, . .	576 00
Leverett, . . .	Seven hundred twenty dollars, . . .	720 00
Leyden, . . .	Five hundred ninety-four dollars, . .	594 00
Monroe, . . .	One hundred ninety-eight dollars, . .	198 00
Montague, . .	One thousand three hundred fourteen dollars,	1,314 00
New Salem, . .	Eight hundred sixty-four dollars, . . .	864 00
Northfield, . .	One thousand six hundred twenty dollars,	1,620 00
Orange, . . .	One thousand three hundred fifty dollars,	1,350 00
Rowe,	Five hundred four dollars,	504 00
Shelburne, . .	One thousand five hundred thirty dol- lars,	1,530 00
Shutesbury, . .	Five hundred seventy-six dollars, . .	576 00
Sunderland, . .	Seven hundred seventy-four dollars, .	774 00
Warwick, . . .	Eight hundred twenty-eight dollars, .	828 00
Wendell, . . .	Five hundred fifty-eight dollars, . .	558 00
Whately, . . .	One thousand three hundred thirty- two dollars,	1,332 00
		<hr/> \$28,674 00

BERKSHIRE COUNTY.

Adams, . . .	Five thousand seven hundred seventy-eight dollars, . . .	\$5,778 00
Alford, . . .	Six hundred sixty-six dollars, . . .	666 00
Becket, . . .	One thousand ninety-eight dollars, . . .	1,098 00
Cheshire, . . .	One thousand four hundred fifty-eight dollars, . . .	1,458 00
Clarksburg, . . .	Two hundred seventy dollars, . . .	270 00
Dalton, . . .	One thousand five hundred thirty dollars, . . .	1,530 00
Egremont, . . .	One thousand forty-four dollars, . . .	1,044 00
Florida, . . .	Three hundred forty-two dollars, . . .	342 00
Gt. Barrington, . . .	Three thousand nine hundred six dollars, . . .	3,906 00
Hancock, . . .	One thousand eight dollars, . . .	1,008 00
Hinsdale, . . .	One thousand three hundred fourteen dollars, . . .	1,314 00
Lanesborough, . . .	One thousand three hundred eighty-six dollars, . . .	1,386 00
Lee,	Three thousand eight hundred sixteen dollars, . . .	3,816 00
Lenox,	One thousand seven hundred sixty-four dollars, . . .	1,764 00
Monterey, . . .	Seven hundred two dollars, . . .	702 00
Mt. Washington, . . .	One hundred eighty dollars, . . .	180 00
New Ashford, . . .	Two hundred fifty-two dollars, . . .	252 00
N. Marlborough, . . .	One thousand four hundred forty dollars, . . .	1,440 00
Otis,	Six hundred eighty-four dollars, . . .	684 00
Peru,	Four hundred eighty-six dollars, . . .	486 00
Pittsfield, . . .	Ten thousand two hundred seventy-eight dollars, . . .	10,278 00
Richmond, . . .	One thousand forty-four dollars, . . .	1,044 00
Sandisfield, . . .	One thousand two hundred sixty dollars, . . .	1,260 00
Savoy,	Six hundred sixty-six dollars, . . .	666 00
Sheffield, . . .	Two thousand four hundred twelve dollars, . . .	2,412 00
Stockbridge, . . .	Two thousand fifty-two dollars, . . .	2,052 00
Tyringham, . . .	Six hundred sixty-six dollars, . . .	666 00

BERKSHIRE COUNTY—CONTINUED.

Washington, . .	Seven hundred twenty dollars, . .	\$720 00
W. Stockbridge,	One thousand two hundred ninety-six dollars,	1,296 00
Williamstown, .	Two thousand five hundred fifty-six dol- lars,	2,556 00
Windsor, . . .	Seven hundred seventy-four dollars, .	774 00
		<hr/> \$52,848 00

NORFOLK COUNTY.

Bellingham, . .	One thousand ninety-eight dollars, .	\$1,098 00
Braintree, . .	Three thousand two hundred seventy- six dollars,	3,276 00
Brookline, . .	Nineteen thousand one hundred sixteen dollars,	19,116 00
Canton, . . .	Four thousand one hundred fifty-eight dollars,	4,158 00
Cohasset, . . .	Two thousand one hundred sixty dollars,	2,160 00
Dedham, . . .	Eight thousand nine hundred forty-six dollars,	8,946 00
Dorchester, . .	Twenty thousand seven hundred fifty- four dollars,	20,754 00
Dover,	Seven hundred twenty dollars, . . .	720 00
Foxborough, . .	Two thousand eight hundred forty-four dollars,	2,844 00
Franklin, . . .	One thousand eight hundred seventy- two dollars,	1,872 00
Medfield, . . .	One thousand two hundred seventy- eight dollars,	1,278 00
Medway, . . .	Two thousand seven hundred seventy- two dollars,	2,772 00
Milton,	Six thousand three hundred ninety dol- lars,	6,390 00
Needham, . . .	Three thousand three hundred eighty- four dollars,	3,384 00
Quincy,	Eight thousand sixty-four dollars, .	8,064 00
Randolph, . . .	Six thousand thirty dollars,	6,030 00
Roxbury, . . .	Forty-five thousand eight hundred eighty- two dollars,	45,882 00
Sharon,	One thousand four hundred fifty-eight dollars,	1,458 00
Stoughton, . .	Four thousand one hundred ninety-four dollars,	4,194 00
Walpole, . . .	Two thousand two hundred sixty-eight dollars,	2,268 00

NORFOLK COUNTY—CONTINUED.

West Roxbury, . .	Fifteen thousand five hundred sixteen dollars,	\$15,516 00
Weymouth, . .	Seven thousand three hundred eight dollars,	7,308 00
Wrentham, . .	Two thousand eight hundred eight dollars,	2,808 00
		<hr/> \$172,296 00

BRISTOL COUNTY.

Acushnet, . . .	One thousand six hundred twenty dollars,	\$1,620 00
Attleborough, . .	Five thousand four hundred fifty-four dollars,	5,454 00
Berkley, . . .	Seven hundred twenty dollars,	720 00
Dartmouth, . .	Five thousand eight hundred fifty dollars,	5,850 00
Dighton, . . .	One thousand six hundred two dollars,	1,602 00
Easton, . . .	Two thousand five hundred fifty-six dollars,	2,556 00
Fairhaven, . .	Six thousand eight hundred fifty-eight dollars,	6,858 00
Fall River, . .	Twenty-five thousand five hundred ninety-six dollars,	25,596 00
Freetown, . .	One thousand six hundred ninety-two dollars,	1,692 00
Mansfield, . .	One thousand seven hundred ten dollars,	1,710 00
New Bedford, . .	Forty-six thousand two hundred twenty-four dollars,	46,224 00
Norton, . . .	One thousand eight hundred eighteen dollars,	1,818 00
Raynham, . .	Two thousand one hundred sixty dollars,	2,160 00
Rehoboth, . .	One thousand nine hundred forty-four dollars,	1,944 00
Seekonk, . . .	One thousand eight dollars,	1,008 00
Somerset, . . .	Two thousand sixteen dollars,	2,016 00
Swansey, . . .	One thousand five hundred eighty-four dollars,	1,584 00
Taunton, . . .	Seventeen thousand one hundred ninety dollars,	17,190 00
Westport, . .	Three thousand seven hundred eight dollars,	3,708 00
		<hr/> \$131,310 00

PLYMOUTH COUNTY.

Abington, . . .	Seven thousand five hundred seventy-eight dollars, . . .	\$7,578 00
Bridgewater, . .	Three thousand nine hundred sixty dollars, . . .	3,960 00
Carver, . . .	One thousand one hundred sixteen dollars, . . .	1,116 00
Duxbury, . . .	Two thousand four hundred eighty-four dollars, . . .	2,484 00
E. Bridgewater,	Three thousand sixty dollars, . . .	3,060 00
Halifax, . . .	Eight hundred ten dollars, . . .	810 00
Hanover, . . .	One thousand eight hundred eighteen dollars, . . .	1,818 00
Hanson, . . .	One thousand two hundred forty-two dollars, . . .	1,242 00
Hingham, . . .	Five thousand three hundred ten dollars, . . .	5,310 00
Hull, . . .	Three hundred sixty dollars, . . .	360 00
Kingston, . . .	Two thousand six hundred twenty-eight dollars, . . .	2,628 00
Lakeville, . . .	One thousand two hundred sixty dollars, . . .	1,260 00
Marion, . . .	One thousand eight dollars, . . .	1,008 00
Marshfield, . .	One thousand six hundred seventy-four dollars, . . .	1,674 00
Mattapoisett, . .	One thousand seven hundred eighty-two dollars, . . .	1,782 00
Middleborough, .	Four thousand nine hundred sixty-eight dollars, . . .	4,968 00
N. Bridgewater,	Five thousand one hundred thirty dollars, . . .	5,130 00
Pembroke, . . .	One thousand four hundred twenty-two dollars, . . .	1,422 00
Plymouth, . . .	Six thousand seven hundred fourteen dollars, . . .	6,714 00
Plympton, . . .	Eight hundred eighty-two dollars, . . .	882 00
Rochester, . . .	One thousand three hundred fourteen dollars, . . .	1,314 00
Scituate, . . .	Two thousand one hundred forty-two dollars, . . .	2,142 00
South Scituate, .	One thousand nine hundred ninety-eight dollars, . . .	1,998 00
Wareham, . . .	Two thousand six hundred sixty-four dollars, . . .	2,664 00
W. Bridgewater,	One thousand seven hundred ten dollars, . . .	1,710 00
		\$65,034 00

BARNSTABLE COUNTY.

Barnstable, . .	Four thousand six hundred eight dollars,	\$4,608 00
Brewster, . . .	One thousand three hundred eighty-six dollars,	1,386 00
Chatham, . . .	Two thousand seventy dollars, . . .	2,070 00
Dennis, . . .	Two thousand five hundred ninety-two dollars,	2,592 00
Eastham, . . .	Five hundred ninety-four dollars, . .	594 00
Falmouth, . .	Two thousand eight hundred eighty dollars,	2,880 00
Harwich, . . .	Two thousand one hundred forty-two dollars,	2,142 00
Orleans, . . .	One thousand one hundred eighty-eight dollars,	1,188 00
Provincetown, .	Two thousand eight hundred eighty dollars,	2,880 00
Sandwich, . .	Three thousand six hundred ninety dollars,	3,690 00
Truro,	One thousand sixty-two dollars, . . .	1,062 00
Wellfleet, . . .	One thousand five hundred sixty-six dollars,	1,566 00
Yarmouth, . .	Two thousand five hundred thirty-eight dollars,	2,538 00
		<hr/> \$29,196 00

DUKES COUNTY.

Chilmark, . . .	One thousand one hundred eighty-eight dollars,	\$1,188 00
Edgartown, . .	Two thousand eight hundred twenty-six dollars,	2,826 00
Tisbury, . . .	Two thousand thirty-four dollars, . .	2,034 00
		<hr/> \$6,048 00

NANTUCKET COUNTY.

Nantucket, . .	Seven thousand nine hundred fifty-six dollars,	\$7,956 00
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RECAPITULATION.

Suffolk County, .	Five hundred eighty-three thousand nine hundred thirty-eight dollars, . . .	\$583,938 00
Essex County, .	One hundred eighty thousand two hundred seventy dollars, . . .	180,270 00
Middlesex County,	Two hundred seventy-seven thousand four hundred thirty-four dollars, . . .	277,434 00
Worcester County,	One hundred sixty-five thousand nine hundred six dollars, . . .	165,906 00
Hampshire County,	Thirty-eight thousand seven hundred fifty-four dollars, . . .	38,754 00
Hampden County,	Fifty-seven thousand eight hundred fifty-two dollars, . . .	57,852 00
Franklin County,	Twenty-eight thousand six hundred seventy-four dollars, . . .	28,674 00
Berkshire County,	Fifty-two thousand eight hundred forty-eight dollars, . . .	52,848 00
Norfolk County, .	One hundred seventy-two thousand two hundred ninety-six dollars, . . .	172,296 00
Bristol County, .	One hundred thirty-one thousand three hundred ten dollars, . . .	131,310 00
Plymouth County,	Sixty-five thousand thirty-four dollars, . . .	65,034 00
Barnstable County,	Twenty-nine thousand one hundred ninety-six dollars, . . .	29,196 00
Dukes County, .	Six thousand forty-eight dollars, . . .	6,048 00
Nantucket County,	Seven thousand nine hundred fifty-six dollars, . . .	7,956 00
		<hr/> \$1,797,516 00

SECTION 2. The treasurer of the Commonwealth shall forthwith send his warrant, with a copy of this act, directed to the selectmen or assessors of each city or town taxed as aforesaid, requiring them respectively to assess the sum so charged, according to the provisions of the eleventh chapter of the General Statutes, and to add the amount of such tax to the amount of town and county taxes to be assessed by them respectively, on each city or town.

Treasurer to issue warrant to assessors, etc.

SECTION 3. The treasurer, in his said warrant, shall require the said selectmen or assessors to pay, or to issue their several warrant or warrants, requiring the treasurers of their several cities or towns to pay to said treasurer of the Commonwealth, on or before the first day of December, in the year one thousand eight hundred and sixty-two, the sums set against said cities or towns in the schedule aforesaid; and the selectmen or assessors, respectively, shall return a certificate of the names of such treasurers, with the sum which

Duties of assessors and selectmen.

each may be required to collect, to the said treasurer of the Commonwealth, at some time before the first day of October next.

Penalties for delinquency.

SECTION 4. If the amount due from any city or town, as provided in this act, is not paid to the treasurer of the Commonwealth within the time specified, then the said treasurer shall notify the treasurer of said delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would be equal to one per centum per month during such delinquency, dating on and after the first day of December next; and if the same remains unpaid after the first day of January next, an information may be filed by the treasurer of the Commonwealth in the supreme judicial court, or before any justice thereof, against such delinquent city or town; and upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue against such city or town, to enforce the payment of said taxes, under such penalties as the said court, or the justices thereof before whom the hearing is had, shall order.

SECTION 5. This act shall take effect upon its passage.

Approved April 30, 1862.

Chap. 198 AN ACT CONCERNING MARRIED WOMEN DOING BUSINESS ON THEIR SEPARATE ACCOUNT.

Be it enacted, &c., as follows :

Certificate filed with town clerk to secure property from husband's creditors.

SECTION 1. Any married woman now doing, or hereafter proposing to do business on her separate account, shall file a certificate in the clerk's office of the city or town where she does or proposes to do said business, setting forth the name of her husband, the nature of the business proposed to be done, and the place where it is to be done, giving the street and number of the place of business if practicable; and whenever the place of business or the nature of the business is changed, a new certificate shall be filed accordingly. In case no such certificate shall be filed, such married woman shall not be allowed to claim any property employed in said business as against any creditors of her husband, but the same may be attached on mesne process by any such creditor, or taken upon execution, against the husband of said woman.

Husband to file certificate, or become liable, &c., in case wife omits.

SECTION 2. The husband of any woman who now does or hereafter may do business upon her separate account, if such woman shall fail to file a certificate as provided in the preceding section, may file a certificate setting forth the name of such woman, the nature of the business done by her, and

the place in which said business is done, as provided in the preceding section, in the clerk's office of the city or town in which said business is done; but if no such certificate shall be filed by the said married woman, as provided in the preceding section, or by her husband, as provided in this section, the husband shall be liable upon all contracts lawfully made in the prosecution of such business, in the same manner and to the same extent as if the same had been made by himself.

SECTION 3. This act shall take effect on the first day of July next. *Approved April 30, 1862.* Act, when in force.

AN ACT CONCERNING PERSONS CONVICTED OF CERTAIN OFFENCES IN THE COUNTY OF DUKES COUNTY. *Chap. 199*

Be it enacted, &c., as follows:

SECTION 1. Whenever any person shall be convicted of any offence in the county of Dukes County, the punishment for which may be imprisonment or confinement in a house of correction, such convict may be sentenced to imprisonment or confinement in the house of correction in the city of New Bedford, in the county of Bristol; and the keeper of said house of correction shall be required to receive and hold such convict in the same manner as if such convict had been sentenced by any court sitting in the county of Bristol, and the warrant of commitment shall be executed by the sheriff of the county of Dukes County, or any of his deputies. Convicts may be sentenced to house of correction at New Bedford.

SECTION 2. There shall be paid to the county of Bristol, by the county of Dukes County, for the support of such convict, such sum per week as shall be agreed upon by the county commissioners of said counties respectively; and in case said commissioners shall not be able to agree upon the amount to be paid, representation of such disagreement shall be made to the superior court sitting in either of said counties, and the amount to be paid shall be determined by said court. Dukes Co. shall pay support.

Approved April 30, 1862.

AN ACT TO RATIFY CERTAIN PROCEEDINGS OF THE UNION STEAMSHIP COMPANY, AND GRANTING A LICENSE TO THE SAME. *Chap. 200*

Be it enacted, &c., as follows:

SECTION 1. All charters or contracts heretofore made by the Union Steamship Company, with the United States, for the use of any steamship or steamships of the said company, are hereby ratified and approved, and shall not be taken to have been in violation of its charter, or of the act in addition thereto, or as exposing said company to any forfeiture or penalty on account thereof. Proceedings legalized.

Authorized to act in government service.

SECTION 2. Permission is hereby given to said company to let, to freight, or to charter any steamship or steamships now owned, or which may hereafter be owned by said company, by virtue of its charter, to the United States, for the use or service thereof.

May charter ships to states, corporations or persons during limitation prescribed.

SECTION 3. Permission is hereby given to said company during the existence of the rebellion, and for the term of six months after the termination thereof, to use its steamships, or either of them, or to let, to freight or to charter the same to any state, corporation, or person, for any trade or purpose authorized for the employment of vessels, by the treaties and laws of the United States, excepting, that the same shall not ply between the ports of Boston, and the ports of Philadelphia, Baltimore or Charleston, or either of them, excepting when in the service of the United States as provided for in the second section.

Proviso.

Revocation of powers authorized.

SECTION 4. The legislature or governor and council, may revoke the permission granted in the second and third sections at its pleasure, upon reasonable notice to said company.

SECTION 5. This act shall take effect upon its passage.

Approved April 30, 1862.

Chap. 201 AN ACT TO EXTEND THE TIME OF LOCATING THE NORTH ATTLEBOROUGH BRANCH RAILROAD.

Be it enacted, &c., as follows :

Act incorporating revived.

The time within which the North Attleborough Branch Railroad Company shall file its location, is hereby extended to the first day of May, in the year eighteen hundred and sixty-three; and the act incorporating said company, being chapter eighteen of the acts of the year eighteen hundred and sixty, is hereby revived.

Approved April 30, 1862.

Chap. 202 AN ACT FOR THE PROTECTION OF FISH IN LITTLE QUITTICUS POND IN THE TOWNS OF LAKEVILLE AND ROCHESTER.

Be it enacted, &c., as follows :

Taking for six years prohibited.

Whoever takes or catches any fish in Little Quitticus Pond, so called, lying in the towns of Lakeville and Rochester and county of Plymouth, for a term of six years after the passage of this act, shall forfeit one dollar for every fish so taken.

Approved April 30, 1862.

Chap. 203 AN ACT RELATING TO THE LOCATION AND ALTERATION OF HIGHWAYS.

Be it enacted, &c., as follows :

Possession to be taken or damages tendered within two years.

SECTION 1. The laying out or alteration of any highway, town way or private way shall be void as against the owner of any land over which the same shall be located, unless

within a reasonable time, not exceeding two years, after the same shall have been laid out or altered, possession shall be taken of such land for the purpose of constructing such highway, town way or private way, or the damages awarded the owner of the land shall be paid or tendered.

SECTION 2. This act shall take effect on the first day of August next. Act, when in force.

Approved April 30, 1862.

AN ACT IN RELATION TO THE OVERSEERS OF THE POOR OF THE CITY OF BOSTON. Chap. 204

Be it enacted, &c., as follows :

SECTION 1. The mayor of the city of Boston, the chairman of the board of aldermen, the president of the common council and the city treasurer, shall constitute a board of auditors, whose duty it shall be to examine all the accounts, acts and doings of the overseers of the poor of said city, and shall annually, on or before the first Monday of September, make report to the city council of all such matters relating to all disbursements by said overseers, whether as trustees of John Boylston's charitable donations, or otherwise, as they may deem the public good to require. Mayor and other officers to be board of auditors of accounts.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1862.

AN ACT CONCERNING DEALERS IN JUNK, OLD METALS, AND SECOND-HAND ARTICLES. Chap. 205

Be it enacted, &c., as follows :

SECTION 1. Every city and town may provide by ordinance or by-law, that every keeper of a shop for the purchase, sale or barter of junk, old metals, or second-hand articles, within their respective limits, shall keep a book, in which shall be written at the time of every purchase of any such article, a description of the article or articles purchased, the name, age and residence of the person from whom, and the day and hour when, such purchase was made; that such book shall at all times be open to the inspection of the mayor and aldermen of the city, or the selectmen of the town, in which such shop is located, and to any person by them respectively authorized to make such inspection; that every keeper of such shop shall put in some suitable and conspicuous place on his shop, a sign, having his name and occupation legibly inscribed thereon in large letters; that such shops, and all articles of merchandise therein, may be examined by the mayor and aldermen of any city, or the selectmen of any town, or by any person by them respectively authorized to make such examination, at all times; and that no keeper of such shop shall, directly or indirectly, either purchase, or Record of purchase may be required by city or town.

Shall be open to inspection.

Requirements and regulations authorized.

receive by way of barter or exchange, any of the articles aforesaid, of any minor or apprentice, knowing or having reason to believe him to be such; and that no article purchased or received shall be sold until a period of at least one week, from the date of its purchase or receipt, shall have elapsed. Every city and town may also prescribe in like manner the hours in which such shops shall be closed, and that no keeper thereof shall make purchase of any of the articles aforesaid during such hours.

License to contain regulations of city or town.

SECTION 2. Every rule, regulation and restriction which shall be made by any city or town, in accordance with the provisions of this act, in regard to the keeping of, and traffic in the articles aforesaid, shall be incorporated in every license granted in such city or town for dealing in the said articles.

Penalty for violation.

SECTION 3. Any person who shall violate either of the rules, regulations or restrictions contained in his license, as aforesaid, shall forfeit a sum not exceeding twenty dollars for each offence.

Approved April 30, 1862.

Chap. 206 AN ACT TO INCORPORATE THE PAWNERS' BANK OF NEW BEDFORD. *Be it enacted, &c., as follows:*

Corporators.

SECTION 1. Thomas B. White, Joseph C. Delano, Charles Almy, Horatio Leonard, Nathan Chase, their associates and successors, are hereby incorporated under the name of the "Pawners' Bank of New Bedford," with the powers and privileges, and to be governed by the rules and provisions, established by law relative to banks in this Commonwealth, so far as applicable to the objects of this institution. It shall not be a bank of issue, and shall loan on security of goods and chattels and real estate only.

Title.

Powers and privileges.

Capital.

Power to borrow.

SECTION 2. The capital of said bank, to be raised by subscription, shall not exceed one hundred thousand dollars in shares of one hundred dollars each. It shall have the power of borrowing on its own notes, not exceeding the amount of its capital paid in, and for periods not exceeding one year.

Organization, conditions of.

SECTION 3. When twenty thousand dollars have been duly subscribed, and ten thousand dollars thereof actually paid in, the stockholders may organize and proceed to business under this charter.

Loans on personal property, percentage chargeable.

SECTION 4. The charge on all loans secured by personal property, to cover expenses of every kind, including interest, shall be uniform, and not exceed one-and-a-half per cent. per month.

SECTION 5. When the bank has disposable funds, it shall loan on all goods and chattels offered, embraced within its rules and regulations, in the order in which they are offered, with this exception, that the bank may always discriminate in favor of small loans to the indigent. It shall loan to four-fifths of the appraised value on gold and silver plate and ware, and to two-thirds of such value on all other goods and chattels as aforesaid.

Shall loan on goods and chattels and discriminate in favor of indigent.

Proportion of loans to value of goods.

SECTION 6. The government of the bank shall be in seven directors, six of whom shall be chosen annually, in October, by the stockholders, and one shall be annually appointed by the mayor of the city of New Bedford; and the board thus created shall elect one of their number president, and such other officers as may be deemed necessary.

Government of bank.

SECTION 7. All loans secured on personal property shall be on a time fixed, and not over one year, and the pawner shall have a right to redeem at any time within the specified period, on payment of the loan and rate of compensation, to time of offer to redeem.

Duration of loans and right of redemption.

SECTION 8. If the said personal property pledged is not redeemed within the time limited, the same shall be sold at public auction, and the net surplus of all sales, both of real and personal property, after paying loan charges and expenses of all kinds, shall be held one year for the owner; if not then called for, the same shall go into a fund for the year, when the entire forfeiture takes place, called the "profit and loss fund."

Unredeemed property, disposal of.

Profit and loss fund.

SECTION 9. All losses on loans from failure of title or other cause, shall be satisfied from the said profit and loss fund.

Losses on loans.

SECTION 10. The net balance of said fund, at the end of each year, shall be made up annually to the first day of January, and be doled in fuel to the needy, under the direction of the board, during the months of January, February and March.

Balance of fund, how disposed of.

SECTION 11. The bank shall give to each borrower a card, inscribed with the name of the bank, the property on which the loan is secured, the name of the borrower, the amount of the loan, the rate of compensation, the date when made, the date when payable, and the page of the book where recorded.

Pawner to receive certificate, etc.

SECTION 12. The whole sum earned each year shall be duly disposed of at the end of the year. The earnings to be divided among the stockholders shall never exceed eight per cent. per annum, and the balance, if any, shall go into

Net earnings of bank, how disposed of.

said profit and loss fund, and be distributed in charity, as herein before provided.

Loans on real estate, limitation of, and rate of interest. SECTION 13. Loans may be made on unincumbered productive real estate situated within the Commonwealth, preference being given to small loans; and no loan upon real estate shall exceed one thousand dollars, and the rate of interest thereon may be eight per cent. per annum or less.

In sales of securities, averment in the deed of breach of conditions, to be conclusive evidence as between borrower and other claimants. SECTION 14. In the case of any and all sales by the bank of the security for any loan under a power of sale, mortgage, or other conveyance, providing for a public sale of the same, to satisfy the terms of the loan, the averment by the bank in its deed of the premises that the borrower had neglected or refused to fulfil the conditions of the loan, or some of them; that notice of the time and place of sale had been duly given, and that all the terms and conditions on which the right of the bank to sell and convey the same depends, had been fully and faithfully complied with, shall be final and conclusive evidence of those facts, as between the borrower and all third persons claiming said premises by, through or under said bank; but if any such averment shall be untrue, the borrower may have his action against said bank, and may recover all damages he may have suffered thereby.

Borrower's redress for false averment. SECTION 15. All loans shall be made upon a time fixed; but where the loan is secured by real estate the borrower shall have the privilege of paying off the loan, in whole or in part, at any time before the time so fixed for payment; interest to be charged only on the sum due and unpaid.

Liabilities, &c., of "borrowers," imposed on legal representatives. SECTION 16. Any duty, liability, right, power, privilege, immunity or disability granted herein, or imposed on the "borrowers" or "bank," shall be deemed granted to, or imposed on the legal representatives of said parties, respectively.

Annual report. SECTION 17. The president and directors of said bank shall annually report to the bank commissioners full and accurate statistics of the operations and condition of said bank in the month of October in each year.

By-laws, &c. SECTION 18. The stockholders of said bank may establish such by-laws, rules and regulations, for conducting the business of said bank, as they may deem necessary, not inconsistent with the laws of the Commonwealth.

Transfer of stock. SECTION 19. The stock of said bank shall be transferable only at said bank, and on its books.

Approved April 30, 1862.

AN ACT CONCERNING TRUANT CHILDREN AND ABSENTEES FROM SCHOOL. *Chap. 207**Be it enacted, &c., as follows :*

SECTION 1. Each city and town shall make all needful provisions and arrangements concerning habitual truants, and also concerning children wandering about in the streets or public places of any city or town, having no lawful occupation or business, not attending school, and growing up in ignorance, between the ages of seven and sixteen years ; and shall also make all such by-laws respecting such children as shall be deemed most conducive to their welfare and the good order of such city or town ; and there shall be annexed to such by-laws suitable penalties not exceeding twenty dollars, for any one breach : *provided*, that said by-laws shall be approved by the superior court sitting in any county in the Commonwealth.

Towns shall make necessary provisions and by-laws respecting.

Fines.

Proviso.

SECTION 2. Any minor convicted of being an habitual truant, or any child convicted of wandering about in the streets or public places of any city or town, having no lawful occupation or business, not attending school, and growing up in ignorance, between the ages of seven and sixteen years, may, at the discretion of the justice or court having jurisdiction of the case, instead of the fine mentioned in the first section, be committed to any such institution of instruction, house of reformation, or suitable situation provided for the purpose, under the authority of the first section, for such time, not exceeding two years, as such justice or court may determine.

Commitments to public institutions.

Approved April 30, 1862.

AN ACT CONCERNING MORTGAGES IN FRAUD OF THE INSOLVENT LAW. *Chap. 208**Be it enacted, &c., as follows :*

Chapter one hundred and ninety-four of the acts of the year eighteen hundred and sixty-one, is hereby repealed.

Act of 1861 repealed.

Approved April 30, 1862.

AN ACT IN RELATION TO THE POLICE COURT OF THE CITY OF BOSTON. *Chap. 209**Be it enacted, &c., as follows :*

SECTION 1. The special justice of the police court of the city of Boston shall continue to hold his office according to the term of his commission, and at the request of the justice of said court whose duty it may be in rotation to hold any term of said court, or in case of the sickness or absence of any justice, or a vacancy, then upon the request of the other justices of said court, or either of them, shall hold any term or terms thereof, and during the time of such sickness, absence or vacancy, shall have and exercise all the powers

Special justice may perform duties of other justices during their absence.

Compensation.

and duties which by the statutes of this Commonwealth are to be exercised by the justices of said court, and shall receive for such services all the compensation which the justice, whose place he so supplies, would be entitled to receive for the same services during the same time; to be paid out of the salary and fees to which such justice would have been entitled for the like services.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1862.

Chap. 210

AN ACT RELATING TO JOINT STOCK CORPORATIONS.

Be it enacted, &c., as follows :

Shall file certificate with clerk of city or town within thirty days after corporation meeting.

SECTION 1. Every corporation organized under the provisions of chapter sixty-one of the General Statutes, shall file the certificates required of corporations by sections eighteen and nineteen of chapter sixty, and the directors shall make, and the president, treasurer and a majority of the directors shall sign, swear to and deposit with the clerk of the city or town in which such corporation is established or located, within thirty days after the date of the annual or semi-annual meeting, next preceding the date of such certificate, a certificate stating the date of such annual or semi-annual meeting, the amount of capital stock paid in, the name of and number of shares held by such stockholder, the amount vested in real estate and in personal estate, the amounts of property owned by and debts due to the corporation, and the amount as nearly as can be ascertained, of existing demands against the corporation, all as ascertained and exhibited at the date of such annual or semi-annual meeting.

Repeal.

SECTION 2. Chapter one hundred and twenty-one of the acts of the year eighteen hundred and sixty-one, and section ten, chapter sixty-one of the General Statutes, are hereby repealed.

Approved April 30, 1862.

Chap. 211

AN ACT TO AMEND AN ACT TO INCORPORATE THE BROOKLINE WATER COMPANY.

Be it enacted, &c., as follows :

Repeal.

The eighth section of the act to incorporate the Brookline Water Company, being chapter two hundred and five of the acts of the year eighteen hundred and sixty-one, is hereby repealed.

Approved April 30, 1862.

Chap. 212

AN ACT CONCERNING THE COMPENSATION OF CERTAIN PUBLIC OFFICERS.

Be it enacted, &c., as follows :

Bank commissioners

SECTION 1. The annual compensation of the following persons shall be fixed as follows, viz.: each of the bank com-

missioners, and the secretary of the board of education, shall receive an annual salary of twenty-two hundred dollars; each of the insurance commissioners shall receive an annual salary of fifteen hundred dollars; each of the inspectors of the state almshouses shall receive an annual salary of one hundred and sixty dollars; the agent or agents of the board of education shall receive annually a sum not exceeding twenty-two hundred dollars; and if more than one shall be appointed the said sum shall be in full for the compensation of all such agents.

Secretary board of education.

Insurance commissioners.
Almshouse inspectors.

Agents board of education.

SECTION 2. No travelling expenses or hotel bills shall be allowed to any person or persons whose compensation is provided for by this act.

Travelling expenses, &c.

Approved April 30, 1862.

AN ACT RELATIVE TO PROCEEDINGS UNDER THE BASTARDY LAWS.

Chap. 213

Be it enacted, &c., as follows:

Public officers authorized to institute prosecutions and make complaints under the seventy-second chapter of the General Statutes, may, with the consent of the mother or of her parent or guardian, compromise the same on receipt of a fixed sum or security for the payment thereof, for the benefit of the city, town or Commonwealth, as the case may be, instead of prosecuting the same to final judgment.

Prosecutions may be compromised, upon security.

Approved April 30, 1862.

AN ACT TO ESTABLISH THE SALARY OF THE FIRST CLERK IN THE OFFICE OF THE ADJUTANT-GENERAL.

Chap. 214

Be it enacted, &c., as follows:

SECTION 1. The salary of the first clerk in the office of the adjutant-general shall be fifteen hundred dollars per annum, to be computed from and after the first day of January, in the year eighteen hundred and sixty-two.

Salary \$1,500.

SECTION 2. All acts and parts of acts inconsistent herewith, are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 30, 1862.

AN ACT TO ESTABLISH A LAW TERM OF THE SUPREME JUDICIAL COURT AT PLYMOUTH, WITHIN AND FOR THE COUNTY OF PLYMOUTH, AND TO CHANGE THE TIME OF HOLDING THE OCTOBER TERM OF THE SUPERIOR COURT IN SAID COUNTY.

Chap. 215

Be it enacted, &c., as follows:

SECTION 1. A law term of the supreme judicial court for entering and hearing questions of law, civil and criminal, arising in the county of Plymouth, shall be held at Plymouth annually, on the third Tuesday of October.

Supreme judicial court.

SECTION 2. Said term shall be taken to be a term for the return of process, entry of appeals, trials, and for all pur-

poses for which a court may be held by a single justice, in said county ; but no jury shall be summoned for said term, unless an order therefor shall be issued by the justices of said court, or one of them, to the clerk of said county.

Superior court.

SECTION 3. The term of the superior court for the county of Plymouth, now required by law to be held at Plymouth, on the third Monday of October, annually, shall be held on the fourth Monday of October.

Approved April 30, 1862.

Chap. 216

AN ACT CONCERNING OFFICERS' FEES IN CRIMINAL CASES.

Be it enacted, &c., as follows :

Fees established.

SECTION 1. There shall be taxed and allowed to deputy-sheriffs, constables, or other officers in criminal cases, and upon precepts for the commitment of lunatics, the following fees, and no others, except such as the court may deem reasonable, for services not herein specially provided for :

Warrants.

(1.) For service of a warrant or *capias*, for each person on whom the same is served, fifty cents.

Habeas corpus, mittimus, venire, &c.

(2.) For service of habeas corpus, mittimus, state prison warrant, venire, and notification to jurors for attendance upon any courts, whether civil or criminal, and for service of all processes issued during the pendency of a prosecution, except subpœnas, for each person on whom the same is served, thirty cents.

Travel, in service of precepts, except venires.

(3.) For travel in the service of all precepts, except venires, if the distance between the place of service and the place of return does not exceed twenty miles, five cents a mile each way, and for expenses, the actual reasonable expenses necessarily incurred in going or returning with the prisoner ; and if the officer necessarily uses a horse or carriage, he shall be allowed not exceeding fifteen cents a mile for the distance travelled one way, in the charge of expenses necessarily incurred as aforesaid, but in no case shall he be allowed any more than the amount actually expended for the use of any vehicle of another.

If more than 20 miles.

(4.) If the distance between the place of service and place of return is more than twenty miles, the officer shall be entitled in lieu of travel as aforesaid, to a sum not exceeding two dollars ; and if he is necessarily absent from his home in the service of any of said precepts more than one day, he shall be entitled to a sum not exceeding two dollars per day for the time necessarily expended in the service, and his actual reasonable expenses necessarily incurred for conveyance and support of himself and prisoner. But in all cases upon the service of a mittimus, habeas corpus, state prison warrant, or other process in which a prisoner is already in custody,

for all distances exceeding twenty miles and less than sixty miles, from the place of service to the place of return, two dollars only, in addition to the necessary and reasonable expenses of the officer actually incurred in conveyance and support of officer and prisoner, shall be allowed. If the journey from the town in which the prisoner is held to the town in which he is to be committed, in the service of a mittimus, can be performed by railroad, no allowance shall be made for use of horse or carriage, and if the service of the same can be completed in one day by railroad, no allowance for more than one day's travel shall be made; and the officer may convey the prisoner through any portion of another county, in the performance of such service by railroad.

Mode of travel,
etc., defined.

(5.) For travel, for service of venire, and notifications to jurors, five cents a mile from the place of service to the place of return.

Service of ve-
nires, &c.

SECTION 2. When more than one process is served upon the same defendant at the same time, or on the same day, or when two or more prisoners are conveyed at the same time by the same officer, by mittimus, habeas corpus, or state prison warrant, either on one process or on several processes, one travelling fee and one service only shall be allowed, in addition to the actual reasonable expense necessarily incurred, in conveying such additional prisoner or prisoners.

Travel on more
than one process,
etc.

SECTION 3. No fee shall be allowed to any justice of the peace for issuing more than one mittimus, nor to any officer for the service of more than one mittimus in cases where two or more persons are jointly convicted and sentenced to the same place of imprisonment; and in all cases in which the superior court is of opinion that a justice of the peace has improvidently issued two or more warrants against the same defendant for similar offences, no fees shall be allowed to the justice upon any of said warrants.

Issue and service
of more than one
mittimus, fees
prohibited.

SECTION 4. No fee shall be allowed for conveyance upon any criminal process except as provided in this act; and no allowance shall be made for aid or assistance in the service of any process, except upon the oath of the officer of the time and service expended by the assistant, and satisfactory proof that the charge is reasonable and necessary, and assistance required; and no allowance shall be made for aid in the service of any mittimus, unless the same is first authorized in writing by the court issuing the same.

No fees for con-
veyance or assist-
ance, except as
provided, &c.

SECTION 5. Justices and clerks and assistant-clerks of courts are hereby authorized and required to administer the oath to officers, upon their return, at their request; and no fee shall be allowed to any officer for any oath made upon his

Oaths to officers
upon returns,
justices and
clerks to admin-
ister.

return, and no justice of the peace shall be entitled to any fee for administering the oath to any officer upon his return upon any precept.

Summoning witnesses and travel, fees defined.

SECTION 6. For summoning witnesses ten cents each shall be allowed, and for travel ten cents a mile each way, for any distance not exceeding twenty miles, and for any excess of distance over twenty miles, five cents a mile, to be computed each way, and no more, the distance to be computed from the most remote place of service to the place of return; but the court to which the same is returnable shall reduce the fee for travel, upon a subpoena, to a reasonable amount for the service performed, whenever the travel charged has not been actually performed by the officer who made the service.

Court may reduce fee for travel.

Travel on more than one precept.

SECTION 7. One travel only shall be allowed for the service of any one precept, and if the same precept be served on more than one person the travel shall be computed to and from the most remote place of service; and where the travel to arrest prisoners, and the travel to summon witnesses, is in whole or in part the same, travel allowance shall be made for such travel as has been actually performed, and no more.

Copies of precepts.

SECTION 8. For a copy of mittimus, warrant, or any other precept required by law, twenty-five cents shall be allowed.

Attending court and keeping prisoner.

SECTION 9. For attending court before a justice of the peace, or police court, and keeping prisoner, one dollar per day may be taxed upon one warrant only, if there be two or more against the same defendant at the same time; but if the trial in any case is continued upon the arraignment, without an examination, no fee for attendance and keeping prisoner upon the day of arraignment shall be taxed.

Salaried officers not to receive fees for removing prisoners.

SECTION 10. No fee shall be allowed to any deputy-sheriff, or other officer in attendance upon the terms of the superior court, or the supreme judicial court, nor to any officer in attendance upon any police court, under a salary, or per diem allowance, for removing any prisoner, upon any precept or order from any one of said courts to the jail or other place of confinement established by law in the same county in which the court is then held, nor from the jail or other place of confinement to any one of said courts in the same county in which the jail or place of confinement is situated, before which the prisoner may be brought for arraignment, hearing, trial, or sentence, except for reasonable expenses actually incurred for the conveyance of the prisoner and the officer.

SECTION 11. Officers attending upon the criminal sessions of the superior court in the county of Suffolk, shall receive compensation therefor, as the court may allow, not exceeding three dollars a day.

Superior court, criminal session, officers' pay.

SECTION 12. No fees shall be allowed upon the return of any officer upon any precept in which expenses are charged, unless every item of expense incurred is set forth in the return, under oath, with the name of the person or party to whom the several sums have been paid; and no item of expense which may be deemed unreasonable, shall be allowed by the justice of the peace, or of the police, superior, or other court, without satisfactory proof that the expense was necessarily incurred and the amount reasonable. But for any meritorious service, upon which the fees allowed by law may be manifestly inadequate, the superior court in its discretion, upon the petition of the officer and the approval in writing of the district-attorney, if the process was returnable to the superior court, or of the justice of the peace or police justice before whom the process was returned, may allow such larger sum as may be deemed proper.

Officer's return shall specify items of expense.

Unreasonable charges.

Meritorious service, court or justice may determine fee for if inadequate.

SECTION 13. The justices of the police court in Boston shall designate not more than six constables, appointed by said city, to attend the criminal sessions of said court, and to serve such warrants, precepts, orders and processes issuing therefrom as shall be committed to them by said justices or either of them; and said constables shall severally receive from the treasurer of said city, an annual salary of fifteen hundred dollars.

Police court in Boston, attendance of officers upon.

Salaries.

SECTION 14. Whenever the justice of a police court held in any town or city, or a justice of the peace, designated as a trial justice, shall be of opinion that the cost of criminal proceedings, before said court or justice, may be reduced by the designation of one or more officers to attend the sittings of said court or justice, and to serve such processes, precepts and orders as may be committed to them, the said court or justice may request the mayor and aldermen or the selectmen to appoint one or more constables or police officers for the purposes aforesaid; and the selectmen of the town or the mayor and aldermen of the city in which said court sits, or said justice resides, may determine the salaries of such officers so designated, which salaries shall be paid by the treasurer of said town or city; and it shall be the duty of said officers so designated to attend the civil as well as criminal sessions of such police courts for which their salaries, as aforesaid, shall be full compensation.

City or town may appoint officers upon desire of court or justice.

Compensation.

Duties.

Salaried officers
not to receive ex-
tra compensa-
tion.

SECTION 15. No sheriff, deputy-sheriff, jailer, constable, city marshal or other officer, who receives a salary from any county, city or town, for his official services, shall be allowed or paid any fees, or extra compensation whatever, for any official services in any criminal case rendered or performed whilst such officer is entitled to a salary as aforesaid; but all fees of such officers, for services in criminal cases, shall be allowed and taxed as in behalf of other officers, and shall be paid to the city, town or county from which such officer receives his salary. The expenses of such officer, necessarily and reasonably incurred and actually disbursed, in the service of any precept, shall be allowed and paid to him.

Necessary ex-
penses.

Towns to main-
tain lock-ups.

SECTION 16. Every town containing more than three thousand inhabitants shall, and every town may, keep and maintain a secure and convenient lock-up, or place of security, to which such persons as may be arrested or detained by an officer without a warrant, may be committed; and a police court, or justice of the peace, may commit, upon continuation for further examination, any prisoner charged with a misdemeanor or lesser offences, and not recognizing, to the lock-up in the town in which the court is held, whenever in his opinion it may be deemed safe and commodious and costs may be saved thereby.

Justices may
commit to for
detention.

Expense of de-
taining prisoner.

SECTION 17. For the expenses of detention and support in cases provided in the above section, there may be charged upon the warrant or other precept, if any, fifty cents a day, or at that rate for the fractional part of a day, and no more, which shall be paid to the town or city maintaining the same.

Repeal.

SECTION 18. The fifth division of the first section, and the second, third, fourth and fifth sections of chapter one hundred and ninety-one of the laws of the year eighteen hundred and sixty, the one hundred and forty-sixth chapter of the laws of the year eighteen hundred and sixty-one, and all laws inconsistent with the provisions of this act, are hereby repealed.

Act, when to
take effect.

SECTION 19. This act shall take effect on and after the first day of June next.

Approved April 30, 1862.

Chap. 217 AN ACT CONCERNING APPEALS AND REMOVALS, IN PROCEEDINGS BEFORE POLICE COURTS AND JUSTICES OF THE PEACE.

Be it enacted, &c., as follows:

Appeals and re-
movals from po-
lice court of Bos-
ton to superior
court.

SECTION 1. Whenever an appeal is taken, as now provided by law, to the superior court, in any civil action or proceeding before the police court of the city of Boston, or whenever the same is removed, as provided in this chapter or by any

provision of law, to the superior court, the clerk shall transmit the original writ or process and all papers connected therewith or filed in the case, including the recognizances taken before said court, and also a brief certificate of the proceedings, to the clerk of the superior court, and the same shall there be entered in the same manner as copies are now required by law to be entered; and thereupon the same proceedings shall be had, and the same rights and remedies now provided by law in cases appealed or removed from a police court or justice of the peace.

Duty of clerk.

SECTION 2. In any action or prosecution so appealed or removed, the clerk shall cause to be entered in a docket carefully kept, the names of all the parties to the same, the nature of the claim, complaint or proceeding, with all the doings of the court thereon, and the final disposition of the same, with the amount of cost taxed in said court—first, for court or magistrates' fees; second, for service; third, for witnesses: and no other record shall be required to be kept, made or extended, than such a docket, and such entries therein, in actions or proceedings so appealed or removed.

Docket, clerk to keep as record.

SECTION 3. Whenever an appeal is taken, as now provided by law, before the police court of the city of Boston, to the superior court, in any criminal action, the clerk shall transmit a copy of the judgment, the original recognizances, a list of the witnesses and a copy of the bill of costs for which no charge shall be made; and no other papers shall be required to be transmitted.

In case of appeal clerk to transmit judgment, etc.

SECTION 4. Whenever in any civil action returnable before the police court of the city of Boston, the debt or damage claimed exceeds the sum of one hundred dollars, the defendant, if he shall appear at the first term, may at any time within one week after the entry, file an affidavit of merits, as now required by law in actions of a like nature in the superior court; and thereupon said action shall be removed to the term of the superior court next sitting in the county, and entered therein by the defendant, in the same manner and subject to the provisions of law as to the removal of cases from the superior court to the supreme judicial court.

Claims exceeding \$100 in value, defendant may file affidavit of merits.

SECTION 5. Whenever an appeal is claimed before a police court, or a justice of the peace, by the defendant, in any proceeding in which such defendant has given a bond to dissolve the attachment made in such case as provided by law, no sureties shall be required to prosecute such appeal.

Sureties.

SECTION 6. In any action or proceeding before a police court or justice of the peace, in which the defendant claims an appeal within the time required by law, such defendant

Appeals, defendant may file bond to pay on final judgment.

in lieu of furnishing sureties to prosecute said appeal, may within forty-eight hours from the time judgment is rendered, file a bond given and approved in the manner provided for giving bonds to dissolve attachments, in not less than double the amount of debt or damage claimed, conditional to pay the plaintiff the amount, if any, which he shall recover thereon within thirty days after final judgment.

Approved April 30, 1862.

Chap. 218

AN ACT TO DEFINE AND REGULATE THE ENFORCEMENT OF THE LIABILITIES OF OFFICERS AND STOCKHOLDERS OF MANUFACTURING CORPORATIONS.

Be it enacted, &c., as follows:

Liability of officers.

SECTION 1. The officers of manufacturing corporations [every manufacturing corporation] shall be jointly and severally liable for its debts and contracts in the following cases and not otherwise:

Specifications—
First.

First—For debts contracted between the time when the certificates required by the eighteenth, nineteenth and twenty-first sections of chapter sixty of the General Statutes are required to be recorded and the time when they are recorded.

Second.

Second—For making or consenting to a dividend when the corporation is, or thereby is rendered insolvent, to the extent of such dividend.

Third.

Third—For debts contracted between the time of making or assenting to a loan to a stockholder and the time of its repayment, to the extent of such loan.

Fourth.

Fourth—When the debts of a corporation shall exceed its capital—to the extent of such excess, existing at the time of the commencement of the suit against the corporation upon the judgment in which the suit in equity to enforce such liability shall be brought as hereinafter provided.

Fifth.

Fifth—For signing any certificate required by law knowing it to be false: but only the officer or officers knowing thereof shall be liable.

Liabilities of
members.

SECTION 2. The members or stockholders in such corporations shall be jointly and severally liable for its debts or contracts in the following cases, and not otherwise:

First.

First—For such as may be contracted before the capital is fully paid in, and a certificate thereof duly recorded.

Second.

Second—For the payment of all debts existing at the time when the capital is reduced, to the extent of the sums withdrawn and paid to stockholders.

Third.

Third—If the corporation shall neglect to comply with the provisions of the twenty-third section of chapter sixty

of the General Statutes, for debts existing and contracted before the same are complied with.

Fourth—When special stock is created, the general stockholders shall be liable for all debts and contracts until the special stock is fully redeemed. Fourth.

Fifth—For all sums of money due to operatives for services rendered within six months before demand made upon the corporation, and its neglect or refusal to make payment. Any such member or stockholder who pays on a judgment or otherwise, more than his proportional share of any such debt, shall have a claim for contribution against the other members or stockholders. Fifth.

SECTION 3. No stockholder or officer in such corporation shall be held liable for its debts or contracts, unless a judgment is recovered against it and the corporation shall neglect for the space of thirty days after demand made on execution, to pay the amount due with the officer's fees, or exhibit to him real or personal estate of the corporation, subject to be taken on execution, sufficient to satisfy the same, and the execution shall be returned unsatisfied. Stockholders not liable unless upon judgment against corporation and neglect to pay.

SECTION 4. After the execution shall be so returned, the judgment creditor, or any other creditor, may file a bill in equity in behalf of himself and all other creditors of the corporation, against it, and all persons who were stockholders therein at the time of the commencement of the suit in which such judgment was recovered, or against all the officers liable for its debts and contracts, for the recovery of the sums due from said corporation to himself and such other creditors, for which the stockholders or officers may be personally liable by reason of any act or omission on its part, or that of its officers, or any of them, setting forth the judgment and proceedings thereon, and the grounds upon which it is expected to charge the stockholders or officers personally. On return of execution creditor may file bill in equity against stockholders or officers.

SECTION 5. Such sums as may be decreed to be paid by the stockholders in such suit in equity shall be assessed upon them in proportion to the amounts of stock by them respectively held at the time when the suit in which said judgment was recovered was begun; but no stockholder shall be liable to pay a larger sum than the amount of stock held by him at that time at its par value. Assessments upon stockholders to be proportional.

SECTION 6. The estates and funds in the hands of executors, administrators, guardians or trustees, shall be liable to no greater extent than the testator, intestate, ward or person interested in the trust fund, would have been if living and competent to act and hold the stock in his own name. Limitation of liability.

Liability of funds in trust.

Decease of defendant not to abate suit.

SECTION 7. If during the pendency of any suit in equity, as herein provided, one of the defendants shall decease, the suit shall not abate thereby; and his estate, in the hands of his executor or administrator, shall be liable to the same extent as he would be if living. Such executor or administrator may voluntarily appear and become a party to such suit, or may be summoned by the plaintiff.

Plaintiff may not dismiss suit without order and notice.

SECTION 8. After a suit in equity to enforce the liability of stockholders or officers shall have been commenced, it shall not be competent for the plaintiff to dismiss the same without order of court, and such notice to other creditors as the court may deem reasonable under the circumstances.

Non-joinder of defendants not to abate suit, unless, etc.

SECTION 9. No such suit shall be abated by reason of the non-joinder of persons liable as defendants, unless the plaintiff after being notified by plea or answer of the existence of such persons shall unreasonably neglect to make them parties.

Repeal.

SECTION 10. Sections thirty-one, thirty-two, thirty-three, and thirty-four of chapter sixty of the General Statutes and all other laws inconsistent herewith are repealed.

Pending suits not affected.

SECTION 11. This act shall not affect any action or suit now pending or any rights of either party thereto.

Approved April 30, 1862.

Chap. 219 AN ACT TO PROVIDE FOR TAKING THE DEPOSITIONS OF PERSONS IN THE MILITARY SERVICE OF THE UNITED STATES.

Be it enacted, &c., as follows:

Certain regimental officers may take depositions of persons under their command.

SECTION 1. Commissions to take the deposition of any person without this state engaged in the regular or volunteer land service of the United States, may be executed by the colonel, lieutenant-colonel or major of the regiment in which such person shall at the time serve or with which he may be connected: and for the purpose of taking the deposition of such person, the colonel, lieutenant-colonel or major aforesaid, shall have power and authority to administer oaths to said persons; and the deposition of such persons so taken, if otherwise taken in accordance with law, shall be received and may be used in evidence in the same manner as if taken before a commissioner of this Commonwealth appointed to take depositions in other states.

Act to be in force until May 1, '63.

SECTION 2. This act shall remain in force until the first day of May, in the year one thousand eight hundred and sixty-three.

Approved April 30, 1862.

AN ACT CONCERNING THE RETURNS OF KEEPERS OF JAILS AND HOUSES OF CORRECTION. *Chap. 220*

Be it enacted, &c., as follows :

SECTION 1. The secretary of the Commonwealth shall annually, in the month of September or before, furnish to the sheriffs, and to the board of directors of public institutions in the city of Boston, blank forms of returns concerning jails and houses of correction for the year ending on the last day of September, containing the following interrogatories:—

Secretary to furnish blanks.

JAILS.

Number of prisoners October first; committed during the year; males, females; adults, minors; whites, colored; natives of this state, natives of other states, natives of other countries; unable to read or write; married; intemperate; been in prison before; committed as insane; for debt; as witnesses; for trial or examination; on sentence. Committed for murder; manslaughter; setting fires; robbery; larceny; burglary; rape; attempt at rape; adultery; lewd conduct; keeping houses of ill-fame; assault; perjury; forgery; making or passing counterfeit money; drunkenness; as common drunkards; for violation of the liquor law; for all other offences. Discharged by writ of *habeas corpus*; by being recognized or bailed; by expiration of sentence; by payment of fines and costs; as poor convicts unable to pay fines and costs; pardoned; transferred to other places for trial; sent to court and not returned; executed. Sent to the state prison; to the house of correction; to the state reform school; to the nautical branch of the state reform school; escaped and not re-taken; debtors discharged on payment of debt; by taking poor debtor's oath; by order of creditor; witnesses discharged; prisoners that have died; discharged by processes not specified above; remaining in confinement September thirtieth. Average number of prisoners.

Interrogatories for jails.

Amount expended for provisions; for clothing; light; fuel; medicines and medical attendance; beds and bedding; instruction; officers' salaries; amount allowed to discharged prisoners; to witnesses; expended for other purposes not herein enumerated; total amount of expenses of all kinds. Value of the labor of prisoners. Nature of instruction given. Number of volumes in the library. Number of prisoners punished for misdemeanors while in prison.

HOUSES OF CORRECTION.

Interrogatories
for houses of
correction.

Number in confinement October first; committed during the year; males, females; adults, minors; whites, colored; natives of this state, natives of other states, natives of other countries; unable to read or write; married; intemperate; insane when committed; became insane in prison; been in prison before; committed for adultery; lewd conduct; keeping houses of ill-fame; assault; violation of the liquor law; drunkenness; as common drunkards; for larceny; vagrancy; all other offences. Discharged on expiration of sentence; on payment of fines and costs; as poor convicts unable to pay fines and costs; on *habeas corpus*; on account of sickness; on account of insanity; by order of overseers; pardoned; escaped and not re-taken; discharged by processes not specified above; died; remaining in confinement September thirtieth. Average number of prisoners.

Amount expended for provisions; clothing; fuel; light; medicines and medical attendance; beds and bedding; instruction; officers' salaries; amount allowed to discharged prisoners; expended for other purposes not before enumerated; total amount of expenses of all kinds. Value of labor of prisoners. Nature of instruction given. Number of volumes in the library. Number of prisoners punished for misdemeanors while in prison.

County commis-
sioners, sheriff
may require re-
turns from.

SECTION 2. The board of county commissioners in any county, when applied to therefor by the sheriff, shall make a return to him on or before the tenth day of October, of the amount expended by them or with their approval, under their authority, to provide all necessary supplies for the jails and houses of correction, for each of the purposes specified in the preceding section.

Penalty for neg-
lect of commis-
sioners.

SECTION 3. The provisions of the seventy-first and seventy-second sections of the one hundred and seventy-eighth chapter of the General Statutes shall apply to this act; and every county commissioner, when his board neglects to make the return required by the second section of this act shall be subject to a like forfeiture, to be recovered in the same manner and applied to the same object, as provided in the chapter and sections of the General Statutes aforesaid, in relation to sheriffs.

Repeal.

SECTION 4. So much of chapter one hundred and seventy-eight of the General Statutes as is inconsistent with this act, is hereby repealed.

Approved April 30, 1862.

AN ACT IN ADDITION TO AN ACT TO PROVIDE FOR THE MAINTENANCE
OF THE UNION AND CONSTITUTION. *Chap. 221*

Be it enacted, &c., as follows:

SECTION 1. The provisions of section seventeen, of chapter two hundred and nineteen, of the acts of eighteen hundred and sixty-one, are hereby so extended as to authorize the allowance of compensation to the governor's staff, for special services heretofore rendered by them, for such time as shall be fixed by the governor, with the consent of the council: *provided*, that such compensation shall not exceed the amount of compensation allowed a captain in the service of the United States. Compensation of governor's staff.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1862.

AN ACT CONCERNING COMMON VICTUALERS.

Be it enacted, &c., as follows:

SECTION 1. The provisions of the seventy-second section of chapter eighty-eight of the General Statutes, are hereby extended to all buildings or other places named in any license granted to common victualers by the county commissioners, or by the mayor and aldermen or selectmen of any city or town. Provisions of section 72 chapter 88 General Statutes extended.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1862.

AN ACT CONCERNING STATE LUNATIC HOSPITALS AND INSANE AND
IDIOTIC PERSONS. *Chap. 223*

Be it enacted, &c., as follows:

SECTION 1. The titles of the state lunatic hospitals shall be severally, The Worcester Lunatic Hospital, The Taunton Lunatic Hospital, and The Northampton Lunatic Hospital. Titles established.

SECTION 2. The lands now holden and which may hereafter be holden, by the trustees of any state lunatic hospital, in trust for the Commonwealth, for the use of the institution of which they are trustees, shall not be taken for any street, highway or railroad, without leave of the legislature specially obtained. Lands held in trust.

SECTION 3. Any of the judges of the supreme judicial, superior, and probate courts, and, in the city of Boston, of the police court, may commit to either of the state lunatic hospitals any insane person who, in their opinion, is a proper subject for its treatment or custody. But in all cases, the evidence and certificate of at least two respectable physicians shall be required to establish the fact of insanity. In all cases the judge shall certify in what place the lunatic Judges of certain courts may commit to.
Evidence of insanity required.

Judges to certify residence.

resided at the time of his commitment; or if ordered to be confined by any court, the judge shall certify in what place the lunatic resided, at the time of the arrest in pursuance of which he was held to answer before such court; and such certificate shall, for the purposes of this act, be conclusive evidence of his residence.

Applicants for commitment, to notify mayor or selectmen.

SECTION 4. Any person applying for the commitment or for the admission of a lunatic to a state lunatic hospital, under the provisions of this act, shall first give notice in writing to the mayor, or one or more of the selectmen, of the place where the lunatic resides, of his intention to make such application; and satisfactory evidence that such notice has been given shall be produced to the judge in cases of commitment, and to the trustees upon applications for admission.

Statement of facts, &c., to be filed with application.

SECTION 5. Upon every application for the commitment or admission of an insane person to any hospital or asylum for the insane, there shall be filed with the application or within ten days after the commitment or admission, a statement in respect to such person, showing as nearly as can be ascertained his age, birthplace, civil condition, and occupation; the supposed cause and the duration and character of his disease, whether mild, violent, dangerous, homicidal, suicidal, paralytic or epileptic; the previous or present existence of insanity in the person or his family; his habits in regard to temperance; whether he has been in any lunatic hospital, and if so, what one, when, and how long; and, if the patient is a woman, whether she has borne children, and, if so, what time has elapsed since the birth of the youngest; the name and address of some one or more of his nearest relatives or friends, together with any facts showing whether he has or has not a settlement, and if he has a settlement, in what place; and if the applicant is unable to state any of the above particulars, he shall state his inability to do so. The statement or a copy thereof shall be transmitted to the superintendent of the hospital or asylum, to be filed with the order of commitment, or the application for admission.

Judge to determine applications.

SECTION 6. The judge may hear and determine such applications, in respect to persons alleged to be insane, at such times and places as he may appoint; and the presence of the alleged lunatic at the hearing may be required or dispensed with, in the discretion of the judge; and the court may in its discretion, issue a warrant to the sheriff, or his deputy, directing him to summon a jury of six lawful men, to hear and determine whether the alleged lunatic is insane.

May summon jury.

Whenever a jury is summoned, pursuant to the provisions of this section, the same proceedings shall be had and the same fees and expenses paid as are provided by the General Statutes, chapter seventy-three, sections twelve, thirteen, fourteen, fifteen and sixteen.

SECTION 7. Whenever application shall be made to any judge of probate for the commitment of an insane person under the provisions of this act, he may allow to the sheriff, deputy-sheriff or constable, or other person to whom a precept is directed by name, who may serve the same, the same fees as are allowed to officers upon the commitment of persons to prison, and such further sum for expenses incurred in said commitments, or in bringing such lunatic before the judge, as to him may seem reasonable; and the sums so allowed shall be certified and paid, as provided in the General Statutes, chapter seventy-three, section sixteen.

SECTION 8. Upon every application for the admission of an insane person to the several state lunatic hospitals, or to any asylum or private house for the reception of the insane, the applicant shall file with his application a certificate, signed by two respectable physicians, one of whom, when practicable, shall be the family physician of the patient, certifying after due inquiry, or personal examination of the patient by them, within one week prior to the date of the certificate, to the insanity of the person in whose behalf admission is sought, and that such person is a fit subject for remedial treatment at such hospital, asylum or private house.

SECTION 9. Any insane person who is supported by any place as a pauper, may be committed by the overseers of the poor thereof, to either of the state lunatic hospitals, with the consent of the trustees, and shall be kept for a sum not exceeding the actual expense of his support. And the trustees shall receive into the hospital, any other insane person having a settlement or residence in this Commonwealth, for such compensation as they may determine.

SECTION 10. The expenses of the state lunatic hospitals for the support of lunatics having known settlements in this state, shall be paid quarterly, either by the persons obligated to pay, or by the place in which such lunatics had their residence, at the time of their commitment, unless other sufficient security is taken to the satisfaction of the trustees, for such support. If any place or person refuses to pay whatever sum may be charged and due according to the by-laws of the hospital, on account of the support of such patient therein, or for the removal of any patient whom the

Fees and expenses.

Application to judge of probate, fees to officer allowable.

Certificate of physicians to be filed with application.

Overseers of poor may commit to hospitals with consent of trustees.

Trustees may receive others.

Expenses of lunatics having known settlements.

Municipality or person refusing to pay, district attorney may prosecute.

trustees are authorized by law to remove, for thirty days after the same has been demanded by the treasurer, in writing, of the mayor and aldermen of the city, or of the selectmen of the town, or of the person liable therefor, the same, with interest from the time of such demand, may be recovered for the use of the hospital in an action to be instituted by the district-attorneys, or other prosecuting officers, in the name of the treasurer, against such delinquent city, town or person.

Expenses of lunatics having no known settlements.

SECTION 11. The expenses of the hospitals for the support of lunatics not having known settlements in this state, committed thereto, shall be paid quarterly by the Commonwealth at the same rates charged for city and town pauper lunatics therein, but not to exceed the sum of two dollars and sixty-two cents per week; and the same may afterwards be recovered, by the treasurer of the Commonwealth, of the lunatics themselves, if of sufficient ability to pay the same, or of any person or kindred obligated by law to maintain them, or of the place of their settlement if any such is ascertained; and the district-attorneys, or other prosecuting officers, shall institute suits therefor when requested.

Att'y-general and dist.-att'ys to advise when requested.

SECTION 12. It shall be the official duty of the attorney-general and district-attorneys to advise and consult with the trustees and treasurers of the several state lunatic hospitals, when requested by them, on all questions of law relating to their official business.

Removal of patients when hospitals are full.

SECTION 13. If at any time, all the state lunatic hospitals shall be so full that the inmates cannot all be suitably accommodated therein, and in the opinion of the trustees of either hospital it is proper that some should be removed, the trustees may remove to their respective homes, or to the places of their legal settlement, or of their residence, so many as may be necessary to afford suitable accommodation for the remainder; but only such patients shall be selected for removal as, in the opinion of the trustees and superintendent, are not susceptible of improvement and can be suitably managed at their homes or in the places to which they may be sent.

Proviso.

Discharge of incurable, harmless patients, upon application to judges or trustees, conditions of.

SECTION 14. Any judge of the supreme judicial or superior court, at any term held within and for the county in which either hospital is located, or the judge of the probate court of such county, or the trustees of such hospital may, on application in writing for the discharge from such hospital of any insane person who has remained there a sufficient time to make it appear that he is incurable, and not dangerous to the peace and safety of the community, cause him to

be delivered to the agents of any place in which he has a legal settlement or on which he has a legal claim for support, or to his friends, when it appears that it would not be to his injury, and that he would be comfortably and safely provided for by any parent, kindred, friend, master or guardian, place or institution. When application has been made to any judge for the discharge of any insane person, any person interested in said discharge may request a trial upon said application by a jury, and the judge before whom the trial is to be held shall issue a warrant to the sheriff of the county, or his deputy, directing him to summon a jury of six lawful men, to hear and determine whether such insane person is incurable, and may be comfortably and safely provided for according to the terms of this section. The proceedings shall be the same in selecting jurors, conducting the trial and allowing the costs, as are provided in sections twelve, thirteen, fourteen, fifteen and sixteen of chapter seventy-three of the General Statutes.

Trial by a jury,
judge may order
upon request.

SECTION 15. The several judges of probate in the counties where the state lunatic hospitals are located, shall have the same authority at any time to discharge from confinement lunatics committed to the hospitals, as is conferred upon the trustees and the justices of the supreme judicial and superior courts by the twenty-ninth section of chapter seventy-three of the General Statutes.

Judges of probate
may discharge.

SECTION 16. The money and cost of clothing which the trustees of any state lunatic hospital may by law furnish to discharged pauper lunatics, the expense of pursuing such as elope therefrom and of burial of pauper lunatics dying in the hospitals, shall be reimbursed to the trustees by the places of legal settlement of city and town paupers, and by the Commonwealth in the case of state paupers.

Certain expenses
by trustees, re-
imbursement de-
fined.

SECTION 17. When a person held in prison on a charge of having committed an indictable offence is not indicted by the grand jury, or, on trial is acquitted by the jury by reason of insanity, the jury in either case shall certify that fact to the court, and thereupon if the court is satisfied that he is insane, they may order him to be committed to one of the state lunatic hospitals under such limitations as they may direct.

Duty of jury
upon acquittal
for insanity.

SECTION 18. The eighth, ninth, tenth, eleventh, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-seventh, twenty-eighth and thirtieth sections of the seventy-third, and the fifteenth section of the one hundred and seventy-first, and the seventeenth section of the one hundred and seventy-second chapters of the General Statutes, are hereby repealed. *Approved April 30, 1862.*

Repeal.

Chap. 224 AN ACT TO LEVY TAXES ON CERTAIN INSURANCE COMPANIES AND ON DEPOSITORS IN SAVINGS BANKS.

Be it enacted, &c., as follows :

Insurance companies, rates of assessment one per cent.

SECTION 1. All fire, marine, and fire and marine insurance companies, incorporated under the laws of this Commonwealth, shall pay taxes to the treasurer of the Commonwealth, as follows, to wit:—One per cent. per annum on all premiums received for insurance either in cash or in notes absolutely payable by any of such companies, whether stock, mutual or mixed, and one per cent. on all assessments made by any mutual or mixed companies.

Companies incorporated by other States, two per cent. on premiums.

SECTION 2. Each fire, marine, and fire and marine insurance company incorporated by any other state of the United States, shall annually pay to the treasurer of the Commonwealth a tax of two per cent. upon all premiums charged or received on contracts made in this Commonwealth for the insurance of property, or received or collected by agents in this Commonwealth; and each fire, marine, and fire and marine insurance company incorporated or associated under the laws of any government or state other than one of the United States, shall annually pay to the treasurer of the Commonwealth a tax of four per cent. upon all premiums charged or received, on contracts made in this Commonwealth, for the insurance of property, or received or collected by agents in this Commonwealth; which taxes respectively shall be assessed by the treasurer of the Commonwealth, for the year ending October thirty-first, and shall be paid within ten days after the first Monday in December, in each year; and no other tax shall be assessed upon such insurance companies so long as this act continues in force.

Incorporated by other countries, four per cent.

Assessment and payment, times of prescribed.

Mass. Hos. Life Ins. Co., one per cent. on capital, one-third per cent. on deposits, trust-funds, etc.

SECTION 3. The Massachusetts Hospital Life Insurance Company shall pay to the treasurer of the Commonwealth a tax of one per cent. per annum on all its capital stock, and of one-third of one per cent. per annum upon all moneys and property in the possession or charge of said company as deposits, trust-funds, or for purposes of investment, at the time for which return of said company, required by the seventh section, shall be made.

Savings banks and institutions, one-half per cent. on deposits.

SECTION 4. Every savings bank and institution for savings, incorporated under the laws of this Commonwealth, including the Mercantile Savings Institution in the city of Boston, shall pay to the treasurer of the Commonwealth a tax on account of its depositors of one-half of one per cent. per annum on the amount of its deposits, to be assessed, one-half of said annual tax on the average amount of its deposits for the six months preceding the first day of May

and the other on the average amount of its deposits for the six months preceding the first day of November.

SECTION 5. All taxes provided for by this act, excepting the taxes imposed by the second section, shall be paid semi-annually within ten days after the first Mondays of June and December, each payment to be an assessment, by the treasurer, of one-half the annual percentage.

Taxes, except &c., to be paid in June and December.

SECTION 6. Every insurance company mentioned in section one, shall semi-annually make a return which shall be signed and sworn to by its president and secretary, of the full amount of all premiums received for insurance by said company, either in cash or notes absolutely payable, and if it be a mutual company or have a mutual department, of all its assessments made.

Insurance companies, to make semi-annual returns.

SECTION 7. The Massachusetts Hospital Life Insurance Company shall semi-annually make a return, which shall be signed and sworn to by a majority of its board of directors, of the full amount of its capital stock and of all moneys and property, in detail, in the possession or charge of said company as deposits, trust-funds, or for purposes of investment.

Mass. Hos. Life Ins. Co. semi-annual returns.

SECTION 8. Every savings bank and institution for savings incorporated under the laws of this State, including the Mercantile Savings Institution in the city of Boston, shall semi-annually make a return, signed and sworn to by its president and treasurer, of the amount of its deposits on the first days of May and November of each year, and of the average amount of its deposits for the six months next preceding each of said days.

Savings banks and institutions, semi-annual return of deposits.

SECTION 9. Each return required by the sixth, seventh and eighth sections of this act shall be made to the treasurer of the Commonwealth on or before the second Mondays of May and November; and the returns required by the seventh and eighth sections shall include, as severally required in said sections, capital stock, moneys, property, money at interest or deposits, in the ownership, possession or charge of the company making the return, on the first day of the month of May or November in which said return is required. And each return required by the sixth section of this act shall express the full amount of premiums received either in cash or in notes absolutely payable for insurance, or assessments made, as required by said section, during the six months last preceding the first day of the month of May or November in which said return is required. Every corporation neglecting to make return as required by this act shall forfeit fifty dollars for each day of such neglect ;

Returns to be made to treasurer of Commonwealth in May and November.

Penalties for neglect or false statements.

and any corporation that wilfully makes false statements in any such return shall be liable to pay a fine of not less than five hundred nor more than five thousand dollars. But the return for the first day of May of the present year may be made on the first day of June next.

Agents for companies of other States and countries to give bond to treasurer of Commonwealth.

SECTION 10. No person, after the first day of June in the year eighteen hundred and sixty-two, shall as agent of any fire, marine, or fire and marine insurance company, not incorporated under the laws of this Commonwealth, make or cause to be made any insurance in this Commonwealth until he shall have given a bond to the treasurer of the Commonwealth, with sufficient sureties to be approved by said treasurer, in the sum of two thousand dollars, with conditions that he will pay, as herein before provided, the taxes imposed by this act upon all premiums charged or received or collected by him, or under his authority, for the company or companies of which he may be the agent; and any person making insurance, or causing insurance to be made in violation of the provisions of this section, shall be liable to pay a fine not exceeding one thousand dollars.

Penalty for non-compliance.

Liability of companies for neglect.

SECTION 11. Every corporation or association of persons neglecting to pay the taxes imposed by this act as herein before provided, shall be liable for the same with costs and interest in an action of contract in the name of the Commonwealth at the suit of the treasurer, and shall be further liable, on application of the treasurer of the Commonwealth therefor, to any one of the justices of the supreme judicial court, to injunction restraining said corporation or association and the agents thereof, from the further prosecution of its business until all taxes due by virtue of this act, with costs and interest, shall be fully paid.

Property taxed under third and fourth sections exempt from further tax: returns of savings banks defined.

SECTION 12. All property taxed under the third and fourth sections of this act shall be otherwise exempt from taxation for the current year in which the tax is paid; and no savings bank shall be required to make any return of deposits in accordance with the provisions of the one hundred and fiftieth and one hundred and fifty-second sections of chapter fifty-seven of the General Statutes, but only of collaterals held so long as this act continues in force.

SECTION 13. This act shall take effect upon its passage.

Approved April 30, 1862.

Chap. 225

AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Appropriations authorized.

SECTION 1. The sums hereinafter mentioned are appropriated, and shall be allowed and paid out of the treasury of

the Commonwealth, from the ordinary revenue, except in cases otherwise ordered, for the purposes specified in certain acts and resolves of the present year, herein cited, and for other purposes, to wit :

In the resolve, chapter four, in favor of the Marshpee schools, the sum of seventy-five dollars, the same to be paid out of the moiety of the school fund. Marshpee schools

In the resolve, chapter eight, in favor of the district of Marshpee, the sum of one hundred and fifty-three dollars. District.

In the resolve, chapter nine, in favor of J. B. Keyes and G. F. Richardson, the sum of twenty-five dollars seventy cents. Keyes and Richardson.

In the resolve, chapter ten, in favor of the Washingtonian Home, the sum of three thousand dollars. Washingtonian Home.

In the resolve, chapter twelve, in favor of the Massachusetts Charitable Eye and Ear Infirmary, the sum of fifteen hundred dollars. Eye and Ear Infirmary.

In the resolve, chapter thirteen, in favor of Josiah Cushing, the sum of ninety-four dollars. Josiah Cushing.

In the resolve, chapter fourteen, in favor of Albert W. Scott, the sum of sixty-three dollars. Albert W. Scott.

In the resolve, chapter fifteen, in favor of E. P. Brownell and Restcome Macomber, selectmen of the town of Westport, the sum of seventy dollars and ninety-six cents. Westport, selectmen.

In the resolve, chapter sixteen, in favor of the New England Female Moral Reform Society, the sum of six hundred and eight dollars and fifty-four cents. N. E. F. M. Reform Society.

In the resolve, chapter eighteen, in favor of the state lunatic hospital, at Northampton, the sum of three thousand dollars. Northampton Hospital.

In the resolve, chapter twenty-one, in favor of Increase N. Emerton, the sum of fifty dollars. Increase N. Emerton.

In the resolve, chapter twenty-two, in favor of Nathaniel Bean, the sum of eleven hundred and twenty dollars. Nathaniel Bean.

In the resolve, chapter twenty-three, granting aid for the suppression of counterfeiting bank bills and coin, the sum of fifteen hundred dollars. Suppression of counterfeiting.

In the resolve, chapter twenty-four, in favor of Francis Adams, the sum of five hundred and seventy-six dollars. Francis Adams.

In the resolve, chapter twenty-five, in favor of William S. Whitwell, the sum of three hundred and forty-seven dollars and ninety-eight cents. William S. Whitwell.

In the resolve, chapter twenty-eight, for the payment of the expense of transportation of certain persons, the sum of two hundred dollars. Transportation of certain persons.

- County of Suffolk. In the resolve, chapter twenty-nine, in favor of the county of Suffolk, the sum of six thousand four hundred dollars and seventy-six cents.
- New Bedford City Guards. In the resolve, chapter thirty-one, in favor of A. S. Cushman and others of the New Bedford City Guards, the sum of three hundred and ninety-two dollars.
- Indians, Gay Head, Chappaquiddic and Christianshtown. In the resolve, chapter thirty-two, in aid of schools among the Indians of Gay Head, the sum of one hundred and ten dollars.
- In the resolve, chapter thirty-three, in favor of the Chappaquiddic and Christianshtown Indians, the sum of one hundred and four dollars.
- Sally Burr. In the resolve, chapter thirty-four, in favor of the Punkapog tribe of Indians, for the benefit of Sally Burr, and her son James Burr, the sum of fifty-two dollars.
- Charlotte E. Meyers. In the resolve, chapter thirty-five, in favor of the guardian of the Punkapog Indians, for the benefit of Charlotte E. Meyers, the sum of fifty-two dollars.
- George Godfrey. In the resolve, chapter thirty-six, in favor of George Godfrey, thirty-eight dollars.
- Hebron Wamsley. In the resolve, chapter thirty-seven, in favor of Hebron Wamsley, the sum of twenty dollars.
- Jemima Easton. In the resolve, chapter thirty-eight, in favor of Jemima Easton, fifty-two dollars.
- Middleton, overseers poor. In the resolve, chapter forty-one, in favor of the overseers of the poor of the town of Middleton, the sum of thirty-four dollars ten cents.
- Rainsford Island Hospital. In the resolve, chapter forty-two, in favor of Rainsford Island Hospital, three hundred and fifty dollars.
- Westport, overseers poor. In the resolve, chapter forty-three, in favor of the overseers of the poor of the town of Westport, for A. P. Louis, an Indian, the sum of fifty dollars.
- Isaac S. Morse. In the resolve, chapter forty-four, in favor of Isaac S. Morse, the sum of sixty dollars sixty-nine cents.
- Powder house, Captain's Island. In the resolve, chapter forty-six, for repairs on powder house on Captain's Island, the sum of five hundred dollars.
- Rhode Island boundary. In the resolve, chapter fifty, for the payment of expenses in the boundary suit between Massachusetts and Rhode Island, a sum not exceeding five thousand dollars.
- H. J. White. In the resolve, chapter fifty-four, in favor of H. J. White, the sum of thirty-two dollars, to be paid out of the Union fund.
- Hannah M. Needham. In the resolve, chapter fifty-five, in favor of Hannah M. Needham, the sum of three hundred and ninety dollars, to be paid out of the Union fund.

In the resolve, chapter fifty-six, in favor of Captain A. P. Chamberlin, the sum of one hundred and ninety-seven dollars and fifty-eight cents, to be paid out of the Union fund. A. P. Chamberlin.

In the resolve, chapter fifty-seven, in favor of Sanford Almy, the sum of two hundred and seventy-six dollars and forty cents, to be paid out of the Union fund. Sanford Almy.

In the resolve, chapter fifty-eight, in favor of William C. Lovering, the sum of one hundred and ninety-seven dollars and fifty-eight cents, to be paid out of the Union fund. Wm. C. Lovering.

In the resolve, chapter fifty-nine, in favor of Lemuel Bradford, second, the sum of one hundred and five dollars and fifty cents, to be paid out of the Union fund. Lemuel Bradford.

In the resolve, chapter sixty, in favor of the Brigade Band, of Lowell, the sum of three hundred and fifty-two dollars, to be paid out of the Union fund. Brigade Band, Lowell.

In the resolve, chapter sixty-one, in favor of Samuel C. Graves, the sum of three hundred and one dollars, to be paid out of the Union fund. Sam'l C. Graves.

In the resolve, chapter sixty-two, in favor of the Lewis Wharf Company, the sum of one hundred and eighty dollars. Lewis Wharf Co.

In the resolve, chapter sixty-three, in favor of Edmund Coburn, the sum of three hundred and six dollars, to be paid out of the Union fund. Edm'd Coburn.

In the resolve, chapter sixty-four, in favor of Hannibal Thompson, of Stoughton, the sum of seventy-five dollars. Hannib'l Thompson.

In the resolve, chapter sixty-five, in favor of William A. Crafts, the sum of one hundred dollars. Wm. A. Crafts.

In the resolve, chapter sixty-six, in favor of Adin Holbrook, of Rockport, the sum of one hundred dollars. Adin Holbrook.

In the resolve, chapter sixty-seven, in favor of Washington L. Blake, of Boston, the sum of sixty-six dollars sixty-seven cents. Washington L. Blake.

In the resolve, chapter sixty-eight, in favor of Rebecca Davis, the sum of fifty dollars. Rebecca Davis.

In the resolve, chapter sixty-nine, in favor of James Monroe, administrator of Jotham B. Monroe, the sum of eighteen thousand three hundred and seventy-six dollars thirty-two cents. James Monroe.

In the resolve, chapter seventy-two, in favor of Charles G. Russell and others, the sum of three hundred dollars. Chas. G. Russell.

In the resolve, chapter seventy-three, in favor of James B. Sampson, the sum of seventy-eight dollars. Jas. B. Sampson.

In the resolve, chapter seventy-four, in favor of Isaac S. Burrill and others, the sum of one hundred and ninety-four dollars seventeen cents, to be paid out of the Union fund. Isaac S. Burrill.

- Isaac Jones. In the resolve, chapter seventy-five, in favor of Isaac Jones, the sum of seventy-five dollars.
- Charles L. Gill. In the resolve, chapter seventy-six, in favor of Charles L. Gill, the sum of two hundred and thirty-four dollars.
- Jerome A. Harrington. In the resolve, chapter seventy-seven, in favor of Jerome A. Harrington, the sum of fifty-one dollars.
- Daniel Currier. In the resolve, chapter seventy-eight, in favor of Daniel Currier, of Salem, the sum of twenty-five dollars.
- Jona. S. Robinson. In the resolve, chapter seventy-nine, in favor of Jonathan S. Robinson, the sum of two hundred and ten dollars.
- Wm. H. Sumner. In the resolve, chapter eighty-one, in favor of William H. Sumner, the sum of fifty-one dollars.
- James Keenan. In the resolve, chapter eighty-two, in favor of James Keenan, the sum of two hundred and ten dollars.
- Chas. T. Robinson. In the resolve, chapter eighty-three, in favor of Charles T. Robinson, of Raynham, the sum of one hundred and thirty dollars sixty-five cents.
- Asylum for blind. In the resolve, chapter eighty-four, in aid of the Perkins' institution and Massachusetts asylum for the blind, the sum of three thousand dollars.
- State prison. In the resolve, chapter eighty-five, to cover deficiencies at the state prison during the current year, the sum of twelve thousand dollars.
- Valuation of unproductive property. In the resolve, chapter eighty-seven, to provide for an accurate valuation of the unproductive property of the Commonwealth, a sum not exceeding one hundred dollars.
- Chas. E. Grover. In the resolve, chapter eighty, in favor of Charles E. Grover, the sum of sixty dollars.
- Barnard C. Marchant. In the resolve, chapter ninety, in favor of Barnard C. Marchant, the sum of fifty dollars.
- John E. Ames. In the resolve, chapter ninety-one, in favor of John E. Ames, the sum of three hundred and ninety dollars, to be paid out of the Union fund.
- Sudbury Rifle Company. In the resolve, chapter ninety-four, in favor of Sudbury Rifle Company, the sum of three hundred and fourteen dollars, to be paid out of the Union fund.
- Bristol County Agricultural Society. In the resolve, chapter ninety-five, in favor of Bristol County Agricultural Society, the sum of two hundred and fifty dollars.
- Cattle commissions, expenses. In the resolve, chapter ninety-seven, for the payment of expenses incurred under the provisions of the act concerning cattle commissioners, a sum not exceeding five thousand dollars.
- Chaplains, doorkeepers, etc. In the resolve, chapter one hundred and two, to provide additional compensation to the chaplains, doorkeepers, messengers and pages of the legislature, a sum not exceeding

one thousand and sixty dollars, as follows : for each chaplain forty dollars ; for each doorkeeper sixty dollars ; for each messenger sixty dollars ; for each page forty dollars.

In the resolve, chapter one hundred and three, in favor of Rhoda M. Taylor
Rhoda M. Taylor, fifty dollars.

In the resolve, chapter one hundred and four, in favor of Hiram L. Newhall.
Hiram L. Newhall, fifty dollars.

In the resolve, chapter one hundred and five, in favor of Michael Green.
Michael Green, of Lawrence, sixty-six dollars.

In the resolve, chapter one hundred and six, in favor of Thomas A. Sears.
Thomaś A. Sears, seventy-five dollars.

In the resolve, chapter one hundred and eight, in favor of Wm. T. Patch.
William T. Patch, forty-four dollars.

In the resolve, chapter one hundred and fourteen, in favor of Military companies, certain.
of certain military companies, a sum not exceeding twenty-one thousand dollars, to be paid out of the Union fund.

In the resolve, chapter one hundred and fifteen, in relation Prisoners of war, supplies furnished.
to supplies furnished to prisoners of war, at Richmond and elsewhere, by order of his excellency the governor, a sum not exceeding five hundred and fifty dollars.

In the resolve, chapter one hundred and nine, in favor of William P. Hood.
William P. Hood, the sum of sixty dollars.

In the resolve, chapter one hundred and ten, in favor of Fitz J. Babson.
Fitz J. Babson, the sum of seventy-eight dollars thirty-three cents.

In the resolve, chapter one hundred and sixteen, in favor of Benj. R. Dean.
of Benjamin R. Dean, the sum of two hundred and thirty-seven dollars fifty-five cents.

In the resolve, chapter one hundred and eleven, in favor of James H. Parks.
of James H. Parks, the sum of four hundred and thirty-eight dollars.

In the resolve, chapter eight, of eighteen hundred and Benjamin Smith.
sixty-one, the sum of one hundred and fifty dollars.

In the act, chapter ninety-two relating to the salaries of Police court, Fall River, salaries.
the officers of the police court in the city of Fall River, four hundred and fifty dollars.

Under the order of the house of representatives, of April Codifying laws, Troy and Greenfield Railroad Co.
second, to codify and arrange laws in regard to the Troy and Greenfield Railroad, a sum not exceeding sixty-three dollars for clerical assistance.

For the salary of the state engineer of the Troy and Greenfield Railroad, a sum not exceeding three hundred and thirty dollars.
State engineer.

For expenses of preparing statistics under chapter thirteen Preparing statistics.
of the resolves of the year eighteen hundred and sixty, a

sum not exceeding thirteen hundred and five dollars ninety-four cents.

Aid to families of volunteers by towns, reimbursement.

For the reimbursement of money to cities and towns agreeably to the provisions of chapter two hundred and twenty-two of the acts of eighteen hundred and sixty-one, a sum not exceeding five hundred thousand dollars, the same to be paid to each city and town at the time they shall severally pay their state tax.

Transportation paupers.

For the transportation of state paupers, in accordance with section forty of chapter seventy-one of the General Statutes, a sum not exceeding one hundred dollars.

Military contingent fund.

For contingent fund of governor and council for military purposes, a sum not exceeding ten thousand dollars.

Surgeon-general, salary.

For the salary of the surgeon-general, the sum of fifteen hundred dollars.

Clerk.

For the salary of the clerk of the surgeon-general, one thousand and eighty dollars.

Expenses, contingent.

For incidental, contingent and other expenses of the surgeon-general's department, a sum not exceeding five thousand dollars.

Term reports, S. J. court.

For furnishing term reports, under chapter two hundred and ninety of the acts of eighteen hundred and fifty-nine, the sum of five thousand and twenty-two dollars and eighty cents.

Assessors' books.

For assessors' books agreeably to the acts of eighteen hundred and sixty-one, chapter one hundred and sixty-seven, the sum of thirteen hundred dollars.

Towns, support state paupers.

For compensation to towns for support of state paupers, under chapter seventy-one, sections forty-three and forty-four of the General Statutes, for the current year, five hundred dollars.

Burial paupers.

For the burial of state paupers, two hundred dollars in addition to former appropriations.

Deficiencies.

For deficiencies under same sections in previous years, three hundred dollars.

Boston, reimbursement for transportation.

To reimburse the city of Boston for transportation of state paupers to Bridgewater, the sum of three hundred and eighty-six dollars twenty cents.

Treasurer, clerk hire.

For extra clerk hire in the office of the treasurer and receiver-general, the sum of eleven hundred dollars.

Incidentals, additional.

For incidental expenses of the treasurer's office, in addition to former appropriations, a sum not exceeding two hundred dollars.

Tablets, placing.

To defray expenses of placing tablets in the state house, the sum of one hundred and forty dollars.

- For printing the report of the board of agriculture, in addition to the sum already appropriated, the sum of four hundred and eighty-one dollars fifty-five cents. Board agriculture, printing report.
- For expenses of the Indian commissioners, in the year eighteen hundred and fifty-nine, the sum of six dollars seventy-five cents. Indian commissioners, expenses '59.
- For printing five hundred additional copies of the blue-book, a sum not exceeding five hundred dollars. Blue-book, printing additional.
- For the salary of the justice of the police court in Charlestown, nine hundred dollars. Police court Charlestown, salary justice.
- For the salary of the clerk of the police court in Charlestown, three hundred and seventy-five dollars. Clerk.
- For compensation of George R. Baldwin, under resolves of eighteen hundred and sixty-one, chapter twenty, the sum of three thousand five hundred and seventy-one dollars. Geo. R. Baldwin.
- For running boundary lines between the states of Rhode Island and Massachusetts, the sum of seven hundred and fifty dollars. Rhode Island boundary, running line.
- For clerical assistance in the office of the secretary of the board of agriculture, a sum not exceeding twelve hundred dollars. Secretary board agriculture, clerks.
- For the salaries of the bank commissioners, six hundred dollars, in addition. Bank commissioners, salaries.
- For the salary of the secretary of the board of education, two hundred dollars, in addition. Secretary board education, salary.
- For the salary of the first clerk in the office of the adjutant-general, three hundred dollars, in addition to former appropriations. Clerk adjutant-general, salary.
- For arms and equipments, sold on account of the United States, in the year eighteen hundred and sixty and eighteen hundred and sixty-one, the same having been carried by mistake to the credit of revenue, the sum of forty-nine hundred forty-three dollars and sixty-nine cents. Arms and equipments, U. S., sold in '61.
- For clerical assistance to committees authorized to send for persons and papers, a sum not exceeding one hundred dollars, in addition to any former appropriation. Committees, assistance to and for witness fees.
- For clerical assistance and witness fees, as per bill approved by the chairman of the judiciary committee, thirty-eight dollars; and the auditor is hereby authorized to audit the same.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1862.

Chap. 226 AN ACT TO DIVIDE THE COMMONWEALTH INTO DISTRICTS FOR THE CHOICE OF REPRESENTATIVES IN THE CONGRESS OF THE UNITED STATES.

Be it enacted, §c., as follows :

Division of state
into ten districts.

SECTION 1. For the purpose of electing representatives in the thirty-eighth congress of the United States, and in each subsequent congress, until otherwise provided by law, the Commonwealth shall be divided into ten districts, each of which shall elect one representative, being an inhabitant of the same, in the manner now provided by law.

SECTION 2. The said ten districts shall be as follows, to wit :—

Towns compris-
ing District Num-
ber One.

The several towns in the counties of Barnstable, Dukes County and Nantucket, together with the cities of New Bedford and Fall River, and the towns of Acushnet, Dartmouth, Fairhaven, Freetown and Westport, in the county of Bristol, and the towns of Carver, Duxbury, Halifax, Kingston, Lakeville, Marion, Mattapoisett, Middleborough, Pembroke, Plymouth, Plympton, Rochester and Wareham, in the county of Plymouth, shall form one district, and be called District Number One.

District Number
Two.

The towns of Attleborough, Berkley, Dighton, Easton, Mansfield, Norton, Raynham, Rehoboth, Seekonk, Somerset, Swanzey and Taunton, in the county of Bristol, and the towns of Abington, Bridgewater, East Bridgewater, Hingham, Hanover, Hanson, Hull, Marshfield, Scituate, South Scituate, North Bridgewater and West Bridgewater, in the county of Plymouth, and the towns of Braintree, Canton, Cohasset, Dorchester, Milton, Quincy, Randolph, Sharon, Stoughton and Weymouth, in the county of Norfolk, shall form one district, and be called District Number Two.

District Number
Three.

The city of Roxbury, and the town of Brookline, in the county of Norfolk, and the territory comprised in the wards numbered four, seven, eight, ten, eleven and twelve, in the city of Boston, in the county of Suffolk, shall form one district, and be called District Number Three.

District Number
Four.

The territory comprised in the wards numbered one, two, three, five, six and nine, in the city of Boston, the city of Chelsea, and the towns of North Chelsea and Winthrop, in the county of Suffolk, and the city of Cambridge, in the county of Middlesex, shall form one district, and be called District Number Four.

District Number
Five.

The cities of Lynn, Newburyport and Salem, and the towns of Amesbury, Beverly, Danvers, Essex, Georgetown, Gloucester, Groveland, Hamilton, Ipswich, Lynnfield, Manchester, Marblehead, Middleton, Nahant, Newbury, Rockport,

Rowley, Salisbury, South Danvers, Swampscott, Topsfield, Wenham and West Newbury, in the county of Essex, shall form one district, and be called District Number Five.

The city of Lawrence, and the towns of Andover, Boxford, Bradford, Haverhill, Methuen, North Andover and Saugus, in the county of Essex, and the city of Charlestown, and the towns of Belmont, Billerica, Burlington, Lexington, Malden, Medford, Melrose, North Reading, Reading, Somerville, South Reading, Stoneham, Tewksbury, Waltham, West Cambridge, Wilmington, Winchester and Woburn, in the county of Middlesex, shall form one district, and be called District Number Six.

The city of Lowell, and the towns of Acton, Ashby, Ashland, Bedford, Boxborough, Brighton, Carlisle, Chelmsford, Concord, Dracut, Dunstable, Framingham, Groton, Holliston, Hopkinton, Lincoln, Littleton, Marlborough, Natick, Newton, Pepperell, Sherborn, Shirley, Stow, Sudbury, Townsend, Tyngsborough, Watertown, Wayland, Westford, and Weston, in the county of Middlesex, and the towns of Dedham, Dover, Medfield, Needham, and West Roxbury, in the county of Norfolk, shall form one district, and be called District Number Seven.

The city of Worcester, and the towns of Auburn, Blackstone, Boylston, Brookfield, Charlton, Douglas, Dudley, Grafton, Holden, Leicester, Mendon, Milford, Millbury, New Braintree, Northborough, Northbridge, North Brookfield, Oakham, Oxford, Paxton, Rutland, Shrewsbury, Southborough, Southbridge, Spencer, Sturbridge, Sutton, Upton, Uxbridge, Warren, Webster, Westborough, West Boylston, and West Brookfield, in the county of Worcester, and the towns of Bellingham, Foxborough, Franklin, Medway, Walpole and Wrentham, in the county of Norfolk, shall form one district, and be called District Number Eight.

The several towns in the counties of Hampshire and Franklin, and the towns of Ashburnham, Athol, Barre, Berlin, Bolton, Clinton, Dana, Fitchburg, Gardner, Hardwick, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Petersham, Phillipston, Princeton, Royalston, Sterling, Templeton, Westminster and Winchendon, in the county of Worcester, shall form one district, and be called District Number Nine.

The city of Springfield, and the several towns in Hampden County, together with the several towns in Berkshire County, shall form one district and be called District Number Ten.

SECTION 3. This act shall take effect upon its passage ; and all acts inconsistent with this act are hereby repealed.

IN SENATE, April 14, 1862.

This bill having been returned to the senate by his excellency the governor, with certain objections thereto, the same was reconsidered by the senate and passed, the said objections to the contrary notwithstanding, two-thirds of the members present and voting thereon having voted in the affirmative : and the same is sent to the house for its consideration.

JOHN H. CLIFFORD, *President*.

HOUSE OF REPRESENTATIVES, April 18, 1862.

This bill having been laid before the house with the governor's objections, was passed in concurrence with the senate, the said objections to the contrary notwithstanding, two-thirds of the members present having approved thereof.

ALEX. H. BULLOCK, *Speaker*.

RESOLVES,

GENERAL AND SPECIAL.

RESOLVE IN FAVOR OF WILLIAM STOWE.

Chap. 1.

Resolved, That there be allowed and paid out of the treasury to William Stowe, late clerk of the house of representatives, the sum of thirty dollars, for his services as clerk during the organization of the house at the present session.

Allowance as clerk of house.

Approved January 18, 1862.

RESOLVE TO ASSUME THE COLLECTION AND PAYMENT OF THE DIRECT NATIONAL TAX.

Chap. 2.

Resolved, That the governor be and he hereby is authorized and directed to give notice to the secretary of the treasury of the United States, that Massachusetts assumes and will pay into the treasury of the United States her quota of the direct national tax, pursuant to the provisions of the fifty-third section of an act of congress, entitled "An Act to provide increased Revenue from Imports, to pay interest on the public debt, and for other purposes," approved August fifth, eighteen hundred and sixty-one.

Assumption by Commonwealth of her quota of direct tax.

Approved January 27, 1862.

RESOLVE MAKING APPROPRIATIONS TO PAY CERTAIN DAMAGES AND OTHER EXPENSES INCURRED UNDER CHAPTER ONE HUNDRED AND FIFTY-FOUR OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-ONE.

Chap. 3.

Resolved, That there be allowed and paid, and the same is hereby appropriated out of the treasury of the Commonwealth, to cover the damages awarded and the expenses incurred by the commissioners appointed under an act entitled "An Act to suspend an Act in relation to the Flowage of the Meadows on Concord and Sudbury Rivers," the sums herein specified, as follows: For compensation of the commissioners, a sum not exceeding four thousand dollars; for the expenses of the commission, a sum not

Commissioners on Concord and Sudbury Meadows, compensation, expenses and awards.

Construction
defined.

exceeding ten thousand three hundred and fifty-two dollars and three cents; for the damages awarded by the commissioners, a sum not exceeding four thousand three hundred and seventy-eight dollars and forty-seven cents. This resolve shall not be held as an admission of the rights and interests of any parties, to whom the commissioners may have awarded damages, in any property or privileges, as against the rights of the Commonwealth.

Approved February 8, 1862.

Chap. 4.

Allowance.

RESOLVE IN FAVOR OF THE MARSHPEE SCHOOLS.

Proviso.

Repeal.

Resolved, That the sum of seventy-five dollars be allowed and paid from the income of the school fund the present year, to the treasurer of the district of Marshpee, for the support of the schools in that district; the same being in addition to the sums now allowed for the support of said schools, and also on the condition that the inhabitants of that district shall also appropriate and expend for the use of said schools, during the present year, twenty-five dollars in addition to the sum now annually paid by them for that purpose. Chapter ninety-five of the resolves of the year eighteen hundred and sixty-one, entitled a Resolve in favor of the Marshpee Schools, is hereby repealed.

Approved February 14, 1862.

Chap. 5.

Distribution of
balance of edi-
tion.

RESOLVE FOR THE FURTHER DISTRIBUTION OF A REPORT ON INSECTS INJURIOUS TO VEGETATION.

Resolved, That the balance of the edition of a Report on Insects Injurious to Vegetation, reprinted in accordance with chapter ninety-three of the resolves of the year eighteen hundred and fifty-nine, which by chapter eighty of the resolves of the year eighteen hundred and sixty-one, was placed at the disposal of the secretary of the state board of agriculture, to be distributed to agricultural and horticultural societies, be distributed as follows:

- Ten copies to the state library;
- Five copies to Edward S. Rand, Jr.;
- Five copies to James M. Barnard;
- Five copies to Alexander E. R. Agassiz;
- Fifteen copies to Francis G. Sanborn;
- Fifteen copies to the Boston Society of Natural History;

That twenty-five copies be placed at the disposal of his excellency the governor and the honorable council; fifty copies at the disposal of the secretary of the state board of agriculture; and one copy at the disposal of each member of the present legislature, and each officer and reporter, for

gratuitous distribution as they may think proper; and the balance to the agricultural and horticultural societies, at the discretion of the secretary of the state board of agriculture, to be by them awarded in premiums and gratuities.

Approved February 14, 1862.

RESOLVE IN RELATION TO THE COAST DEFENCES OF MASSACHUSETTS. *Chap. 6.*

Resolved, That his excellency the governor, by and with the advice and consent of the council, be and he is hereby authorized to enter into contracts, on behalf of the Commonwealth, for the manufacture of suitable ordnance for the coast defences of Massachusetts, to an amount not exceeding five hundred thousand dollars, after advertising for proposals therefor: *provided*, that the work shall be done under the supervision of officers to be appointed by the government of the United States.

Governor may enter contract for ordnance.

Proviso.

This resolve shall take effect upon its passage.

Approved February 14, 1862.

RESOLVE AUTHORIZING THE TREASURER TO BORROW MONEY IN ANTICIPATION OF THE REVENUE. *Chap. 7.*

Resolved, That the treasurer be, and he hereby is, authorized to require of the several banks of this Commonwealth a loan of such sum or sums of money as may, from time to time, be necessary for the payment of the ordinary demands upon the treasury, within the current year; and he shall repay any sum which he may borrow, as soon as money sufficient for the purpose shall be received into the treasury: *provided*, that the whole amount of the temporary loan authorized by this resolve, shall not at any time exceed five hundred thousand dollars.

May borrow of banks.

Proviso.

This resolve shall take effect upon its passage.

Approved February 18, 1862.

RESOLVE IN FAVOR OF THE DISTRICT OF MARSHPEE. *Chap. 8.*

Resolved, That there be allowed and paid from the treasury of the Commonwealth, to the treasurer of the district of Marshpee, for the benefit of said district, the sum of one hundred and fifty-three dollars; it being in full for money expended by said district in support of certain Indian state paupers, as is set forth in the petition of the selectmen of said district.

Allowance for support of Indian paupers.

Approved February 25, 1862.

RESOLVE IN FAVOR OF J. B. KEYES AND G. F. RICHARDSON. *Chap. 9.*

Resolved, That for reasons set forth in their petition, there be allowed and paid out of the treasury of the Com-

Allowance for taking deposition in case of

dam over Con-
cord River.

monwealth, to J. B. Keyes and George F. Richardson, the sum of twenty-five dollars and seventy cents, for services and money expended in taking and recording the deposition of Jonathan Manning, to be used by the Commonwealth in cases relating to the dam across Concord River at Billerica.

Approved February 25, 1862.

Chap. 10.

RESOLVE IN FAVOR OF THE WASHINGTONIAN HOME.

Allowance autho-
rized.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the treasurer of the Washingtonian Home, to be expended by the directors for the charitable purposes of the institution, in providing a refuge for inebriates, and means for reforming them, the sum of three thousand dollars: *provided, however*, that the said directors report to the legislature, in the month of January next, a detailed account of the manner in which this appropriation has been expended, the amount contributed by individuals, the total income and expenses of the institution, and the number of persons admitted; with the result of their treatment so far as can be ascertained.

Proviso.

Approved March 1, 1862.

Chap. 11.

RESOLVE GRANTING TAXES FOR THE SEVERAL COUNTIES.

Resolved, That the sums placed against the names of the several counties in the following schedule, be and hereby are granted as a tax for each county respectively, to be assessed, paid, collected and applied according to law, namely:

Barnstable,	Twelve thousand dollars;
Berkshire,	Twenty-six thousand dollars;
Bristol,	Seventy thousand dollars;
Dukes,	Three thousand two hundred dollars;
Essex,	One hundred thousand dollars;
Franklin,	Eighteen thousand dollars;
Hampden,	Forty-one thousand two hundred and twenty-nine dollars;
Hampshire,	Twenty-two thousand dollars;
Middlesex,	One hundred and fourteen thousand dollars;
Norfolk,	Seventy-five thousand dollars;
Plymouth,	Thirty-five thousand dollars;
Worcester,	One hundred thousand dollars.

Approved March 1, 1862.

Chap. 12.

RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY.

Allowance in aid.

Resolved, That the sum of fifteen hundred dollars be allowed and paid from the treasury of the Commonwealth,

to the Massachusetts Charitable Eye and Ear Infirmary, to be expended during the current year, under the direction of the trustees, for the charitable purposes of said infirmary: and the said trustees shall report to the legislature during the month of January next, a detailed account of the manner in which this appropriation has been expended.

Trustees to report.

Approved March 1, 1862.

RESOLVE IN FAVOR OF JOSIAH CUSHING.

Resolved, That there be allowed and paid from the treasury of the Commonwealth, the sum of ninety-four dollars, to Josiah Cushing of South Scituate, for expenses and costs incurred in defence of a suit against him as an officer executing process under "An Act concerning the manufacture and sale of spirituous and intoxicating liquors," passed in the year one thousand eight hundred and fifty-five.

Approved March 1, 1862.

Chap. 13.

Allowance for expenses of suit.

RESOLVE IN FAVOR OF ALBERT W. SCOTT.

Resolved, For the reasons set forth in the petition of Albert W. Scott, that there be allowed and paid to him, from the treasury of the Commonwealth, the sum of sixty-three dollars.

Approved March 6, 1862.

Chap. 14.

RESOLVE ON THE PETITION OF E. P. BROWNELL AND RESTCOME MACOMBER, SELECTMEN OF THE TOWN OF WESTPORT.

Resolved, For reasons set forth in the petition of E. P. Brownell and Restcome Macomber, selectmen of the town of Westport, that there be allowed and paid out of the treasury of the Commonwealth, to said petitioners, the sum of seventy dollars and ninety-six cents; sixty-five dollars thereof for the benefit of George H. Tripp, a minor son of Jeremiah D. Tripp of Westport, and the balance thereof for the benefit of the family of said Jeremiah D. Tripp.

Approved March 7, 1862.

Chap. 15.

Benefit of J. D. Tripp and family.

RESOLVE IN AID OF THE NEW ENGLAND FEMALE MORAL REFORM SOCIETY.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, the sum of six hundred and eight dollars and fifty-four cents, in aid of the New England Female Moral Reform Society, to be used by its officers in furtherance of the benevolent designs of that corporation.

Approved March 11, 1862.

Chap. 16.

Allowance authorized.

Chap. 17. RESOLVE IN FAVOR OF THE STATE NORMAL SCHOOL AT BRIDGEWATER.

Appropriation for furniture.

Resolved, That there be appropriated and paid out of the moiety of the income of the school fund applicable to educational purposes, the sum of two hundred dollars, to the state normal school at Bridgewater, to be expended for furniture, under the direction of the board of education, and that the governor draw his warrant accordingly.

Approved March 18, 1862.

Chap. 18. RESOLVE IN FAVOR OF THE STATE LUNATIC HOSPITAL AT NORTHAMPTON.

Supply of water.

Resolved, That a sum not exceeding three thousand dollars be allowed and paid out of the treasury of the Commonwealth, to the trustees of the State Lunatic Hospital at Northampton, for the purpose of furnishing said hospital with pure water.

Approved March 18, 1862.

Chap. 19. RESOLVE AUTHORIZING THE TRUSTEES OF THE NAUTICAL BRANCH OF THE STATE REFORM SCHOOL TO SELL THE "TENDER" TO THE SCHOOL SHIP.

Resolved, That the trustees of the nautical branch of the state reform school are hereby authorized to sell and dispose of the schooner Wave, now used as a "tender" to the school ship Massachusetts, in such manner as they may deem best for the interest of the Commonwealth, and are directed to pay the proceeds of said sale into the treasury of the Commonwealth.

Approved March 19, 1862.

Chap. 20. RESOLVE IN FAVOR OF THE DUDLEY, TROY AND MARSHPEE INDIANS.

Allowances for Indians, and to guardians, appropriations authorized.

Resolved, That there be allowed and paid to the guardians of the several Indian tribes, for the support of said Indians, and for the salaries of said guardians, for the year ending the thirty-first day of December, eighteen hundred and sixty-two, from the appropriation of the present year for Indians, the following sums, to wit: To the guardian of the Dudley Indians, for their support, a sum not exceeding seven hundred and fifty dollars, and for the salary of said guardian, one hundred dollars; to the guardian of the Troy Indians, for their support, a sum not exceeding five hundred dollars, and for the salary of said guardian, the sum of one hundred dollars; to the treasurer of the Marshpee Indians, for the support of certain paupers, a sum not exceeding one hundred and fifty-three dollars.

Approved March 19, 1862.

RESOLVE IN FAVOR OF INCREASE N. EMERTON.

Chap. 21.

Resolved, For reasons set forth in the petition of Increase N. Emerton, that there be allowed and paid out of the treasury of the Commonwealth to said petitioner, the sum of fifty dollars.

Approved March 19, 1862.

RESOLVE ON THE PETITION OF NATHANIEL BEAN, OF CAMBRIDGE.

Chap. 22.

Resolved, For reasons set forth in the petition of Nathaniel Bean, of Cambridge, that there be allowed and paid out of the treasury of the Commonwealth, to said petitioner, the sum of eleven hundred and twenty dollars.

Appropriation authorized.

Approved March 19, 1862.

RESOLVE GRANTING AID FOR THE SUPPRESSION OF COUNTERFEITING BANK BILLS AND COIN.

Chap. 23.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the association of banks for the suppression of counterfeiting in this Commonwealth, a sum not exceeding one thousand five hundred dollars, for the purpose of the prevention and detection of the crime of making, or tendering in payment as true, counterfeit bank bills, or counterfeit gold and silver coin: *provided*, that no sum be paid under or by authority of this resolve, which shall exceed one-third of the amounts which said association shall certify and prove to the governor, shall have been raised and judiciously expended by said association, for the purposes aforesaid.

Grant to association of banks.

Proviso.

Approved March 19, 1862.

RESOLVES IN FAVOR OF FRANCIS ADAMS, DEPUTY-SHERIFF, AND RELATING TO CERTAIN INTOXICATING LIQUORS SEIZED BY HIM.

Chap. 24.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Francis Adams, of Spencer, a deputy-sheriff, the sum of five hundred and seventy-six dollars, as indemnity for loss and damage suffered by him, in consequence of serving process under an act concerning the manufacture and sale of spirituous and intoxicating liquors, passed in the year one thousand eight hundred and fifty-five: *provided*, that said Adams shall first transfer to the commissioner appointed by the governor to purchase and sell spirituous and intoxicating liquors, under the laws of the Commonwealth, the spirituous and intoxicating liquors and vessels containing the same, for the taking of which damages have been recovered against said Adams, in the superior court, in the county of Worcester, except only such portions thereof as have been sold, by order of the justice who issued the warrant, on which said liquors were originally seized by

Allowance for damages sustained in serving process.

Proviso.
Liquors to be transferred to commissioner.

said Adams, and shall file with the treasurer said commissioner's certificate of such transfer.

Commissioner to
sell liquors, and
account to treas-
urer Commonwealth.

Resolved, That said commissioner is hereby authorized to sell any portions of said liquors, so transferred to him, which in his opinion are suitable for use for medicinal, chemical, or mechanical purposes, and the vessels so transferred, and pay the net proceeds of such sales into the treasury of the Commonwealth; and to destroy any portions of said liquors so transferred to him, which in his opinion, are not suitable for use, for said purposes.

Approved March 19, 1862.

Chap. 25.

Allowance for
salary in 1861.

RESOLVE IN FAVOR OF WILLIAM S. WHITWELL, STATE ENGINEER.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to William S. Whitwell, state engineer, the sum of three hundred and forty-seven dollars and ninety-eight cents, being the amount of his salary from the fifth day of June to the eleventh day of October, inclusive, in the year eighteen hundred and sixty-one.

Approved March 22, 1862.

Chap. 26.

Iron-clad steam-
ers, building au-
thorized.

RESOLVE IN RELATION TO THE HARBOR DEFENCES OF MASSACHUSETTS.

Resolved, That his excellency the governor, by and with the advice and consent of the council, be authorized to use any portion of the sum heretofore appropriated for the purchase of ordnance, in building one or more Ericsson or other iron-clad steamers, for the coast defence of Massachusetts.

Approved March 25, 1862.

Chap. 27.

Distribution of
certain remain-
ing copies.

RESOLVE PROVIDING FOR THE DISTRIBUTION OF CERTAIN SPECIAL LAWS.

Resolved, That the secretary of the Commonwealth be authorized to distribute, gratuitously, to the members of the bar, and to other persons interested, who may call for them, the copies now remaining in his office, of the Special Acts of this Commonwealth, passed subsequently to the year eighteen hundred and forty-eight, the publication of which was authorized by the eighty-fifth chapter of the resolves of the year eighteen hundred and fifty-nine.

Approved March 27, 1862.

Chap. 28.

Transportation
from Maryland
to Massachu-
setts, appropri-
ation authorized.

RESOLVE FOR THE PAYMENT OF THE EXPENSE OF TRANSPORTATION OF CERTAIN PERSONS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, such sums not exceeding in the aggregate two hundred dollars, as may be expended by the quartermaster-general for the transportation from Mary-

land to Massachusetts, of certain men mentioned in the message of the governor to the house of representatives on January thirtieth last, as having been deceitfully induced to leave their homes by a person falsely pretending to be a military officer of the United States; and that the governor be authorized to draw his warrant in favor of the quartermaster-general for such amount, or so much thereof as may be required.

Approved March 27, 1862.

RESOLVE IN FAVOR OF THE COUNTY OF SUFFOLK.

Chap. 29.

Allowance for clerical error.

Resolved, For reasons set forth in the petition of Frederick U. Tracy, treasurer of the county of Suffolk, that there be allowed and paid out of the treasury of the Commonwealth, to said county of Suffolk, the sum of six thousand four hundred dollars and seventy-six cents, being the amount of a clerical error in the accounts of criminal costs rendered by the county of Suffolk to the Commonwealth, in July in the year eighteen hundred and fifty-eight.

Approved March 27, 1862.

RESOLVE IN FAVOR OF THE CITY OF BOSTON.

Chap. 30.

City released from penalties for non-payment of tax.

Resolved, For reasons set forth in the petition of F. U. Tracy, treasurer of the county of Suffolk, and the report of the auditor thereon, that the city of Boston is hereby released from all penalties claimed by the treasurer of the Commonwealth, for the non-payment by said city, of portions of the state tax due to the Commonwealth, for the years eighteen hundred and fifty-six and eighteen hundred and fifty-seven.

Approved March 27, 1862.

RESOLVE IN FAVOR OF A. S. CUSHMAN AND OTHERS, OF THE NEW BEDFORD CITY GUARDS.

Chap. 31.

Appropriation authorized.

Resolved, For reasons set forth in the petition of A. S. Cushman and others, of the New Bedford City Guards, that there be allowed and paid out of the treasury of the Commonwealth, to said petitioners, the sum of three hundred and ninety-two dollars.

Approved March 27, 1862.

RESOLVE IN AID OF SCHOOLS AMONG THE INDIANS OF GAY HEAD.

Chap. 32.

Appropriation authorized.

Resolved, That there be allowed and paid out of the income of the school fund of the Commonwealth, to John Mayhew, Esq., of Edgartown, the sum of one hundred and ten dollars; sixty dollars of said sum to be applied to the support of schools among the Indians of Gay Head during the year eighteen hundred and sixty-two; and the remainder, fifty dollars, for the purpose of supplying such books and

stationery as are necessary for the use of the scholars who attend the school of the said Indians of Gay Head.

Approved March 27, 1862.

Chap. 33. RESOLVE IN FAVOR OF THE CHAPEQUIDDIC AND CHRISTIANTOWN INDIANS.

Allowance for schools authorized.

Resolved, That there be allowed and paid out of the school fund of this Commonwealth, to the guardian of the Chapequiddic and Christiantown Indians, the sum of one hundred and four dollars, to aid in the support of schools among the said Indians for the year eighteen hundred and sixty-two.

Approved March 27, 1862.

Chap. 34. RESOLVE IN FAVOR OF THE GUARDIAN OF THE PUNKAPOG TRIBE OF INDIANS, FOR THE BENEFIT OF SALLY BURR OF BOSTON, AND HER SON JAMES BURR.

Allowance to Sally and James Burr authorized.

Resolved, For reasons set forth in the petition of Sally Burr of Boston, a member of the Punkapog tribe of Indians, that there be allowed and paid out of the treasury of the Commonwealth, to the guardian of said tribe, the sum of fifty-two dollars, for the benefit of said Sally Burr and her son James Burr.

Approved March 27, 1862.

Chap. 35. RESOLVE IN FAVOR OF THE GUARDIAN OF THE PUNKAPOG TRIBE OF INDIANS, FOR THE BENEFIT OF CHARLOTTE E. MYERS.

Allowance authorized.

Resolved, For reasons set forth in the petition of Charlotte E. Myers, a member of the Punkapog tribe of Indians, that there be allowed and paid out of the treasury of the Commonwealth, to the guardian of said tribe, the sum of fifty-two dollars, for the benefit of said Charlotte E. Myers.

Approved April 1, 1862.

Chap. 36. RESOLVE IN FAVOR OF GEORGE GODFREY.

Allowance authorized.

Resolved, For reasons set forth in the petition of George Godfrey, that there be allowed and paid out of the treasury of the Commonwealth to said petitioner, the sum of twenty-nine dollars.

Approved April 1, 1862.

Chap. 37. RESOLVE IN FAVOR OF HEBRON WAMSLEY.

Allowance authorized.

Resolved, For reasons set forth in the petition of Hebron Wamsley, that there be allowed and paid out of the treasury of the Commonwealth to said petitioner, the sum of twenty dollars.

Approved April 1, 1862.

RESOLVE IN FAVOR OF JEMIMA EASTON.

Chap. 38.

Resolved, For reasons set forth in the petition of Priscilla Freeman, that there be allowed and paid out of the treasury of the Commonwealth, to the overseers of the poor of the town of Tisbury, for the benefit of Jemima Easton, an Indian residing in said town, the sum of fifty-two dollars.

Allowance authorized.

Approved April 1, 1862.

RESOLVES IN APPROVAL OF THE RECENT MESSAGE OF THE PRESIDENT OF THE UNITED STATES.

Chap. 39.

Resolved, That the senate and house of representatives in general court assembled, hereby express their approval of the recent message of the president of the United States, recommending the adoption by Congress, of a resolution substantially as follows :—

Approval.

“*Resolved*, That the United States ought to coöperate with any state which may adopt a gradual abolishment of slavery, giving to such state pecuniary aid, to be used by such state in its discretion, to compensate for the inconvenience, public and private, produced by such change of system.”

Resolved, That his excellency the governor be requested to forward a copy of these resolutions to the president of the United States and to our senators and representatives in congress.

Copy to be transmitted.

Approved April 4, 1862.

RESOLVE IN RELATION TO HOSPITAL ACCOMMODATIONS FOR DISABLED SEAMEN AND SOLDIERS.

Chap. 40.

Whereas, There is reason to fear that the hospitals at the disposal of the national government may be insufficient for the accommodation of the seamen and soldiers who may be disabled in the service of their country, therefore,

Whereas : insufficiency feared.

Resolved, That in any emergency demanding such action, his excellency the governor be, and he is hereby authorized, to direct the board of alien commissioners to confer with the authorities of the different state institutions, where hospitals are maintained, and to ascertain and report to him what number of wounded and sick seamen and soldiers can be accommodated in each, and the probable cost of their maintenance :—and he is further authorized to arrange for the reception and treatment of a convenient number, in such of these hospitals as he may deem advisable, at a price per week not less than the estimated cost aforesaid.

Governor may direct alien commissioners to inquire and report upon capacities of state institutions, and act thereupon.

Approved April 4, 1862.

Chap. 41. RESOLVE IN FAVOR OF THE OVERSEERS OF THE POOR OF THE TOWN OF MIDDLETON.

Resolved, For reasons set forth in the petition of the overseers of the poor of the town of Middleton, that there be allowed and paid out of the treasury of the Commonwealth, to said petitioners, the sum of thirty-four dollars and ten cents.

Approved April 4, 1862.

Chap. 42.

Water-closets,
appropriation au-
thorized.

RESOLVE IN FAVOR OF THE RAINSFORD ISLAND HOSPITAL.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the inspectors of the Rainsford Island Hospital, for the purpose of building water-closets in said hospital, three hundred and fifty dollars.

Approved April 4, 1862.

Chap. 43. RESOLVE IN FAVOR OF THE OVERSEERS OF THE POOR OF THE TOWN OF WESTPORT FOR THE BENEFIT OF AMELIA P. LOUIS.

Resolved, For reasons set forth in the petition of Charles Potter, and other citizens of Westport, that there be allowed and paid from the treasury of the Commonwealth, the sum of fifty dollars, to the overseers of the poor of said town of Westport, for the benefit of Amelia P. Louis, a member of the Gay Head tribe of Indians.

Approved April 4, 1862.

Chap. 44.

Allowance for
legal services and
expenditures.

RESOLVE IN FAVOR OF ISAAC S. MORSE.

Resolved, For reasons set forth in the petition of Isaac S. Morse, that there be allowed and paid out of the treasury of the Commonwealth, to said petitioner, the sum of sixty dollars and sixty-nine cents; the same being in full for services performed and money expended in defending a suit brought by Captain Proctor and others, against the late Adjutant-General Stone.

Approved April 4, 1862.

Chap. 45.

Contract with
Wright & Potter
authorized.

RESOLVE CONCERNING THE STATE PRINTING.

Resolved, That the secretary of the Commonwealth, the auditor of accounts, the clerk of the senate and the clerk of the house of representatives, be, and they are hereby authorized and directed to contract with Messrs. Wright and Potter, of Boston, for the execution of the printing for the several departments of the state government, for five years from the first day of July, eighteen hundred and sixty-two, at the same rates specified, and subject to all the restrictions contained in the existing contract with William White: *provided*, that bonds satisfactory to the above named officers, to the amount of five thousand dollars, be given by said Wright and Potter, for the faithful performance of said contract.

Approved April 9, 1862.

Proviso.

RESOLVE TO PROVIDE FOR REPAIRS UPON THE POWDER HOUSE ON
CAPTAIN'S ISLAND. *Chap. 46.*

Resolved, That the governor, with the advice and consent of the council, is hereby authorized to cause suitable repairs to be made upon the powder house or magazine on Captain's Island, in Cambridge, to an amount not exceeding five hundred dollars.

Governor to authorize.

Approved April 9, 1862.

RESOLVE IN RELATION TO THE PORTRAITS OF GOVERNOR SUMNER
AND GOVERNOR GAGE. *Chap. 47.*

Resolved, That his excellency the governor be requested to receive the portraits of Governor Sumner and Governor Gage, bequeathed to the Commonwealth by the late General William H. Sumner, and cause that of Governor Sumner to be suspended in the senate chamber, and that of Governor Gage to be placed in the state library; and that he be further requested to convey to the executors of the will of General Sumner the grateful appreciation by the Commonwealth of the interest manifested by him in his native state in making this bequest.

Governor to receive from executors of General Sumner.

Disposition of portraits.

Approved April 14, 1862.

RESOLVE ON THE PETITION OF MARTIN BRIMMER.

Chap. 48.

Resolved, For reasons set forth in said petition, and in the statement of the petitioner therewith filed, that Edward D. Sohier of Brookline, in the county of Norfolk, Esquire, be and is hereby authorized and empowered to sell and convey, at discretion, by public or private sale, at such time and times, during the lifetime of the said petitioner, and afterwards during the minority of any issue of the said petitioner, and for such consideration or considerations as he shall see fit, the whole or any parts or parcels of the real estate in this Commonwealth which Martin Brimmer, the father of the said petitioner, died seized of or entitled unto, alone or in common with others, in possession, remainder, or reversion; and to make, execute and deliver to any and all persons purchasing the same, good and sufficient conveyances thereof, in fee simple or for any less estate; and no purchaser under any such sale and conveyance, shall be bound to see to the application of the purchase money; and that the said Sohier be and hereby is appointed, authorized and empowered to invest and re-invest at discretion, all purchase money received for such conveyances, either in real or in personal property, and to hold such purchase money, and the property, real or personal, wherein the same may at any time be invested, in trust, to pay the net income thereof, after deducting all proper charges and expenses,

E. D. Sohier authorized to sell estate of Martin Brimmer, deceased.

To make conveyance and invest money.

during the lifetime of the said petitioner, and afterwards during minority of his surviving issue, if any, unto such person or persons as would have been entitled, under the provisions of the will of the said Martin Brimmer, deceased, to the rents and profits of the real estate so sold in case no such sale had been made; and upon the further trust, at and upon the decease of the said petitioner leaving no issue, or at and upon the arrival at majority or decease of his surviving issue, if any, as the case may require in accordance with the provisions of said will, to transfer, convey and pay over all such purchase money as aforesaid, or the property, real or personal, wherein the same may then stand invested, to and among such person or persons as would then have been by law entitled to the real estate so sold in case no such sale had been made. And in case of the death, resignation, removal or incapacity of the said Sohler within the time hereby limited for the performance of said trusts, the judge of the probate court for the time being of the said county of Suffolk, is hereby authorized and empowered to appoint a successor or successors, at his discretion, in the same trusts, and with the same powers, discretion and duties as herein given to and conferred upon the said Sohler: *provided, however*, that the said Sohler, and every successor to be appointed as aforesaid shall, before entering upon the duties of said trusts, give bond, to the satisfaction of the judge of the probate court as aforesaid for the time being, conditioned faithfully to discharge and fulfil the duties of the said trusts.

Upon decease of executor judge of probate may appoint successor.

Proviso.

Approved April 19, 1862.

Chap. 49. RESOLVE TENDERING THE THANKS OF THE GENERAL COURT OF MASSACHUSETTS, TO ADELINE TYLER, OF BALTIMORE, IN THE STATE OF MARYLAND.

Thanks tendered for humane and christian services rendered Mass. soldiers wounded at Baltimore, April 19, 1861.

Resolved, That the governor, the president of the senate, and the speaker of the house of representatives, are hereby requested to transmit to Adeline Tyler, of Baltimore, in the state of Maryland, a copy of the communication from the committee on claims, which accompanies their reports on the petitions of John E. Ames, Edmund Coburn and Hannah M. Needham, together with a copy of this resolve, and to express to her, Adeline Tyler, the thanks of the general court of Massachusetts, for the kind, humane and Christian services rendered by her to John E. Ames and Edmund Coburn, citizens and volunteer soldiers of our Commonwealth, who were cruelly attacked and wounded by a lawless mob in the streets of Baltimore, on the memorable nineteenth day of April, in the year one thousand eight hundred and sixty-one, while they were marching with their regiment, by the order

of the president and commander-in-chief of the United States, to aid in suppressing rebellion against the Constitution and the Union.

Approved April 19, 1862.

RESOLVE FOR THE PAYMENT OF EXPENSES IN THE BOUNDARY SUIT
BETWEEN MASSACHUSETTS AND RHODE ISLAND.

Chap. 50.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding five thousand dollars, for the payment of counsel fees and the moiety of the costs and expenses required by the final decree of the supreme court of the United States, in the suit in equity between Massachusetts and Rhode Island for the establishment of the boundary line between said states.

Appropriation authorized.

Approved April 21, 1862.

RESOLVE IN ADDITION TO A RESOLVE GRANTING TAXES FOR THE
SEVERAL COUNTIES.

Chap. 51.

Resolved, That the resolve granting taxes for the several counties, approved March first, eighteen hundred and sixty-two, be and hereby is so far amended as to allow the county of Hampden to assess, collect, pay and apply according to law, the sum of thirty thousand dollars.

Hampden County.

Approved April 21, 1862.

RESOLVE IN RELATION TO SUPPLIES FURNISHED TO PRISONERS OF
WAR AT RICHMOND AND ELSEWHERE, BY ORDER OF THE GOVERNOR.

Chap. 52.

Resolved, That there be appropriated out of the treasury of the Commonwealth, and paid to the quartermaster-general, the sum of five hundred and fifty dollars, or so much thereof as may be necessary to reimburse expenditures made under direction of the governor, for the relief of Massachusetts prisoners of war at Richmond and elsewhere, in the year eighteen hundred and sixty-one; and that the doings of the governor and the quartermaster-general in sending blankets and necessary clothing to the said prisoners, are hereby confirmed.

Appropriation for expenses.

Acts of governor and quartermaster confirmed.

Approved April 21, 1862.

RESOLVE FOR VENTILATING THE GOVERNOR'S ROOM.

Chap. 53.

Resolved, That a sum not exceeding two hundred dollars be and the same is hereby appropriated, for the purpose of ventilating the governor's room; said sum to be expended under the supervision of the committee on the state house.

Appropriation.

Approved April 21, 1862.

RESOLVE IN FAVOR OF H. J. WHITE.

Chap. 54.

Resolved, For reasons set forth in the petition of Henry F. Lane and others, that there be allowed and paid out of

Allowance from "Union Fund" for services.

the treasury of the Commonwealth to H. J. White, the sum of thirty-two dollars, in full for services rendered to the United States. Said sum shall be paid out of the Union fund, provided in chapter two hundred and sixteen of the acts of the year eighteen hundred and sixty-one.

Approved April 21, 1862.

Chap. 55.

RESOLVE IN FAVOR OF HANNAH M. NEEDHAM.

Appropriation
authorized.

Resolved, For reasons set forth in the petition of Hannah M. Needham, widow of Sumner H. Needham, that there be allowed and paid out of the treasury of the Commonwealth to William H. P. Wright, mayor of Lawrence, and George P. Wilson, of said Lawrence, for the benefit of said Hannah M. Needham and her child, the sum of three hundred and ninety dollars.

Approved April 21, 1862.

Chap. 56.

RESOLVE IN FAVOR OF CAPTAIN A. P. CHAMBERLAIN.

Allowance from
"Union Fund"
for services.

Resolved, For reasons set forth in the petition of Captain A. P. Chamberlain, that there be allowed and paid out of the treasury of the Commonwealth, to said petitioner, the sum of one hundred and ninety-seven dollars and fifty-eight cents, being in full for services rendered to the United States. Said sum shall be paid out of the Union fund provided in chapter two hundred and sixteen of the acts of the year eighteen hundred and sixty-one.

Approved April 21, 1862.

Chap. 57.

RESOLVE IN FAVOR OF SANFORD ARMY.

Allowance from
"Union Fund"
for services.

Resolved, For reasons set forth in the petition of Sanford Army, that there be allowed, and paid out of the treasury of the Commonwealth, to said petitioner, the sum of two hundred and seventy-six dollars and forty cents, in full for services rendered to the United States. Said sum shall be paid out of the Union fund provided in chapter two hundred and sixteen of the acts of the year eighteen hundred and sixty-one.

Approved April 21, 1862.

Chap. 58.

RESOLVE IN FAVOR OF WILLIAM C. LOVERING.

Allowance from
"Union Fund"
for services.

Resolved, For reasons set forth in the petition of William C. Lovering, that there be allowed, and paid out of the treasury of the Commonwealth, to said petitioner, the sum of one hundred and ninety-seven dollars and fifty-eight cents, being in full for services rendered to the United States. Said sum shall be paid out of the Union fund provided in chapter two hundred and sixteen of the acts of the year eighteen hundred and sixty-one.

Approved April 21, 1862.

RESOLVE IN FAVOR OF LEMUEL BRADFORD, SECOND.

Chap. 59.

Resolved, For reasons set forth in the petition of Lemuel Bradford second, that there be allowed and paid out of the treasury of the Commonwealth to said petitioner, the sum of one hundred and five dollars and fifty cents, the same being in full for services as fourth lieutenant in company B, third regiment, first division, Massachusetts volunteer militia. Said sum shall be paid out of the Union fund, provided in chapter two hundred and sixteen of the acts of the year eighteen hundred and sixty-one.

Allowance from
"Union Fund"
for military ser-
vices.

Approved April 21, 1862.

RESOLVE IN FAVOR OF THE BRIGADE BAND, OF LOWELL.

Chap. 60.

Resolved, For reasons set forth in the petition of H. Hosford and others, that there be allowed and paid out of the treasury of the Commonwealth, to Artemas S. Young, treasurer of the brigade band, of Lowell, the sum of three hundred and fifty-two dollars, in full for services rendered to the United States. Said sum shall be paid out of the Union fund, provided in chapter two hundred and sixteen of the acts of the year eighteen hundred and sixty-one.

Allowance from
"Union Fund"
for services.

Approved April 21, 1862.

RESOLVE IN FAVOR OF SAMUEL C. GRAVES.

Chap. 61.

Resolved, For reasons set forth in the petition of Samuel C. Graves, that there be allowed and paid out of the treasury of the Commonwealth to said petitioner, the sum of three hundred and one dollars, being in full for services rendered and injuries received while in the service of the United States. Said sum shall be paid out of the Union fund, provided in chapter two hundred and sixteen of the acts of the year eighteen hundred and sixty-one.

Allowance from
"Union Fund"
for services and
injuries.

Approved April 23, 1862.

RESOLVE IN FAVOR OF THE LEWIS WHARF COMPANY.

Chap. 62.

Resolved, For reasons set forth in the petition of Elias Davidson, that there be allowed and paid out of the treasury of the Commonwealth, to the Lewis Wharf Company, the sum of one hundred and eighty dollars, in full for wharfage.

Appropriation
authorized.

Approved April 24, 1862.

RESOLVE IN FAVOR OF EDMUND COBURN.

Chap. 63.

Resolved, For reasons set forth in the petition of Edmund Coburn, that there be allowed and paid out of the treasury of the Commonwealth to said petitioner, the sum of three

Allowance for
services and in-
juries at Balti-
more.

hundred and six dollars, for services rendered and injuries received while in the service of the United States at Baltimore, on the nineteenth day of April, in the year eighteen hundred and sixty-one.

Approved April 25, 1862.

Chap. 64.

Military service.

RESOLVE IN FAVOR OF HANNIBAL THOMPSON.

Resolved, For reasons set forth in the petition of Hannibal Thompson of Stoughton, that there be allowed and paid out of the treasury of the Commonwealth to said petitioner, the sum of seventy-five dollars, in full compensation for military services.

Approved April 25, 1862.

Chap. 65.

Services as clerk of senate, *pro tem.*

RESOLVE IN FAVOR OF WILLIAM A. CRAFTS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to William A. Crafts, for services rendered by him as clerk *pro tempore* of the senate during the present session, the sum of one hundred dollars.

Approved April 25, 1862.

Chap. 66.

Services and injuries at Fort Warren.

RESOLVE IN FAVOR OF ADIN HOLBROOK.

Resolved, For reasons set forth in the petition of Adin Holbrook, of Rockport, that there be allowed and paid out of the treasury of the Commonwealth to said petitioner, the sum of one hundred dollars, in full for services rendered and injuries received while on duty at Fort Warren.

Approved April 25, 1862.

Chap. 67.

Services at Fort Warren.

RESOLVE IN FAVOR OF WASHINGTON L. BLAKE.

Resolved, For reasons set forth in the petition of Washington L. Blake, of Boston, that there be allowed and paid out of the treasury of the Commonwealth to said petitioner, the sum of sixty-six dollars and sixty-seven cents, in full for services rendered at Fort Warren, in the twelfth regiment Massachusetts volunteer militia.

Approved April 25, 1862.

Chap. 68.

Punkapog Indian.

RESOLVE IN FAVOR OF REBECCA DAVIS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the guardian of the Punkapog Indians, the sum of fifty dollars, to be expended for the relief of Rebecca Davis, a member of said tribe.

Approved April 25, 1862.

RESOLVE IN FAVOR OF JAMES MONROE, ADMINISTRATOR OF JOTHAM
B. MONROE.

Chap. 69.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to James Monroe, administrator of Jotham B. Monroe, the sum of eighteen thousand three hundred and seventy-six dollars and thirty-two cents, upon his releasing and surrendering to the treasurer and receiver-general, a certain bond dated the twentieth day of June, in the year eighteen hundred and fifty-four, given by the Commonwealth, in the penal sum of twenty thousand dollars, to James Monroe, administrator as aforesaid, under and by virtue of a resolve passed on the eleventh day of March in said last named year, and upon his procuring and delivering to said treasurer, sufficient discharges of the several actions mentioned in said bond, and of the judgments recovered, and of the claims sought to be recovered in said actions.

Appropriation authorized upon surrender of bond of Commonwealth to treasurer.

Approved April 25, 1862.

RESOLVE IN RELATION TO THE STATE ALMSHOUSE AT BRIDGEWATER.

Chap. 70.

Resolved, That the inspectors of the state almshouse at Bridgewater be authorized to use any unexpended appropriation for current expenses for the present year, for such improvements or repairs of said institution, as they may deem necessary.

Repairs authorized.

Approved April 25, 1862.

RESOLVE EXTENDING THE COMMISSION UPON A PLAN FOR AN AGRICULTURAL SCHOOL.

Chap. 71.

Resolved, That the provisions of chapter ninety-eight of the resolves of the year eighteen hundred and sixty-one, entitled a "Resolve in favor of the establishment of an Agricultural School or College," are hereby extended one year.

Time extended one year.

Approved April 25, 1862.

RESOLVE IN FAVOR OF C. G. RUSSELL AND OTHERS.

Chap. 72.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the following officers of the twelfth regiment Massachusetts volunteer militia, for services rendered under orders from the commander-in-chief, in compliance with the requisition of the president of the United States for three years volunteers, to wit: to C. G. Russell, of company D, the sum of seventy-five dollars; to James W. Horne, of company B, the sum of seventy-five dollars; to John H. Horne, of company B, the sum of seventy-five dollars; to Edwin Hazel, of company K, the sum of seventy-five dollars; in full for services rendered as officers of said regiment.

J. W. and J. H. Horne, Edwin Hazel.

Approved April 26, 1862.

Chap. 73.

RESOLVE IN FAVOR OF JAMES B. SAMPSON.

Military services.

Resolved, For reasons set forth in the petition of James B. Sampson, of Boston, that there be allowed and paid out of the treasury of the Commonwealth, to said petitioner, the sum of seventy-eight dollars, in full for military services in the twelfth regiment of the Massachusetts volunteer militia.

Approved April 26, 1862.

Chap. 74.

RESOLVE IN FAVOR OF ISAAC S. BURRILL AND OTHERS.

T. L. D. Perkins,
G. W. Beach, S.
A. Stetson, S. A.
Green.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the following field and staff officers of the first regiment, Massachusetts volunteer militia, for services rendered under orders of the commander-in-chief, in compliance with the proclamation of the president of the United States, to wit: To Isaac S. Burrill, the sum of forty-five dollars and eighty-three cents; to T. L. D. Perkins, the sum of thirty-eight dollars and eighty-six cents; to George W. Beach, the sum of thirty-five dollars and thirty cents; to Sydney A. Stetson, the sum of thirty-five dollars and thirty cents; to Samuel A. Green, the sum of thirty-eight dollars and eighty-eight cents; in full for services rendered by them respectively as field and staff officers.

Approved April 26, 1862.

Chap. 75.

RESOLVE IN FAVOR OF ISAAC JONES.

Military services.

Resolved, For reasons set forth in the petition of Isaac Jones, of Stoughton, that there be allowed and paid out of the treasury of the Commonwealth, to said petitioner, the sum of seventy-five dollars, in full for military services.

Approved April 26, 1862.

Chap. 76.

RESOLVE IN FAVOR OF CHARLES L. GILL.

Services and in-
juries in Balti-
more.

Resolved, For reasons set forth in the petition of Charles L. Gill, that there be allowed and paid out of the treasury of the Commonwealth, to said petitioner, the sum of two hundred and thirty-four dollars, for services rendered and injuries received in the streets of Baltimore, on the nineteenth day of April, in the year eighteen hundred and sixty-one.

Approved April 28, 1862.

Chap. 77.

RESOLVE IN FAVOR OF JEROME A. HARRINGTON.

Services at Fort
Warren.

Resolved, For reasons set forth in the petition of Jerome A. Harrington, that there be allowed and paid out of the treasury of the Commonwealth, to said petitioner, the sum of fifty-one dollars, in full for services rendered while

at Fort Warren, as a member of company G, eleventh regiment, Massachusetts volunteer militia.

Approved April 28, 1862.

RESOLVE IN FAVOR OF DANIEL CURRIER.

Chap. 78.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Daniel Currier, of Salem, the sum of twenty-five dollars, for military service rendered by his son, Edward Currier.

Military service of son.

Approved April 28, 1862.

RESOLVE IN FAVOR OF JONATHAN S. ROBINSON.

Chap. 79.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Jonathan S. Robinson, the sum of two hundred and ten dollars, in full for services rendered and money expended in the first cavalry regiment.

Military service.

Approved April 28, 1862.

RESOLVE IN FAVOR OF CHARLES E. GROVER.

Chap. 80.

Resolved, For reasons set forth in the petition of Charles E. Grover, of Boston, that there be allowed and paid out of the treasury of the Commonwealth, to said petitioner, the sum of sixty dollars, in full compensation for military services.

Military service.

Approved April 28, 1862.

RESOLVE IN FAVOR OF WILLIAM H. SUMNER.

Chap. 81.

Resolved, For reasons set forth in the petition of William H. Sumner, that there be allowed and paid out of the treasury of the Commonwealth, to said petitioner, the sum of fifty-one dollars, in full for services rendered at Fort Warren, as a member of company E, eleventh regiment, Massachusetts volunteer militia.

Service at Fort Warren.

Approved April 28, 1862.

RESOLVE IN FAVOR OF JAMES KEENAN.

Chap. 82.

Resolved, For reasons set forth in the petition of James Keenan, that there be allowed and paid out of the treasury of the Commonwealth, to said petitioner, the sum of two hundred and ten dollars, for injuries received in the streets of Baltimore, on the nineteenth day of April, in the year eighteen hundred and sixty-one.

Injuries at Baltimore.

Approved April 28, 1862.

RESOLVE IN FAVOR OF CHARLES T. ROBINSON.

Chap. 83.

Resolved, For reasons set forth in the petition of Charles T. Robinson, of Raynham, that there be allowed and paid out of the treasury of the Commonwealth, to said petitioner, the sum of one hundred and thirty dollars and sixty-five cents.

Approved April 28, 1862.

Chap. 84. RESOLVE IN AID OF THE PERKINS INSTITUTION AND MASSACHUSETTS ASYLUM FOR THE BLIND.

Additional allowance.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the Perkins institution and Massachusetts asylum for the blind, in addition to the sum heretofore appropriated for current expenses, the sum of three thousand dollars: *provided*, that the trustees of said institution shall receive and gratuitously educate all such persons as the governor of the Commonwealth may designate.

Approved April 28, 1862.

Proviso.

Chap. 85. RESOLVE TO MEET DEFICIENCIES AT THE STATE PRISON DURING THE CURRENT YEAR.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the warden of the state prison, a sum not exceeding twelve thousand dollars, to meet deficiencies arising during the current year, in consequence of the depression of business. This resolve shall take effect upon its passage.

Approved April 28, 1862.

Chap. 86.

RESOLVE RELATING TO THE INSURANCE COMMISSIONERS.

Clerical assistance, compensation for, defined.

Resolved, That instead of the sum appropriated by chapter sixty-one of the acts of the current year for clerical assistance to the insurance commissioners in making the valuation of life insurance policies for November first, eighteen hundred and sixty-two, there be paid to them as the balance due for former valuations whatever money has been or shall be received into the treasury from life insurance companies on account of the valuation for November first, eighteen hundred and sixty-one: *provided*, it does not exceed the sum of fourteen hundred and seventy-three dollars and forty-two cents, and the same is hereby appropriated and authorized to be paid out of the treasury; said sum to be in full for all clerical assistance to November first, eighteen hundred and sixty-one.

Proviso.

Approved April 28, 1862.

Chap. 87. RESOLVE TO PROVIDE FOR AN ACCURATE VALUATION OF THE UNPRODUCTIVE PROPERTY OF THE COMMONWEALTH.

Auditor to cause appraisal.

Resolved, That the auditor be and he is hereby authorized and directed to cause the unproductive property of the Commonwealth to be appraised at its actual value, and that he report the same to the next legislature: *provided*, that the expense attending such valuation shall not exceed one hundred dollars.

Proviso.

Approved April 28, 1862.

RESOLVES IN RELATION TO THE HARBORS AND FLATS OF THE COMMONWEALTH. *Chap. 88.*

Resolved, That the governor is hereby authorized, with the advice and consent of the council, to appoint three commissioners, whose duty it shall be to devise and report a general and economical system for the care and preservation of the harbors of the Commonwealth, and the use and disposal of the flats therein belonging to the Commonwealth, in such manner as shall preserve and improve said harbors, and protect the public interests in the same.

Governor to appoint commissioners.

Resolved, That it shall be the duty of the said commissioners especially to ascertain and report upon the condition of the flats lying between South Boston and the channel, and the extent of the title of the Commonwealth therein; and to devise some plan for the improvement, sale or disposal of the same, in such manner as may best conduce to the improvement of the harbor, the present and future commercial prosperity of the state, and the protection of the pecuniary interests of the Commonwealth. Said commissioners shall appoint a time and place for the hearing of all parties interested in the premises, and shall give at least thirty days' notice thereof, by publication in two or more daily newspapers printed in the city of Boston; and they may receive propositions from any and all persons or corporations, for the purchase and improvement of said flats.

Duties of commissioners.

Shall notify parties interested.

Resolved, That no sale or disposal of the flats of the Commonwealth shall be made until the report of the said commissioners shall have been received and acted upon by the legislature. Said commissioners shall keep a record of their actual services and expenses, to be duly audited by the governor and council, and the governor shall be authorized to draw his warrants for the same. Said commissioners shall make a report to the next legislature, on or before the fifteenth day of January next. *Approved, April 28, 1862.*

Sale of flats prohibited until action upon report of commissioners.

RESOLVE IN FAVOR OF THE WIDOW OF JOSEPH MORRILL.

Chap. 89.

Resolved, That there be allowed and paid, and the same is hereby appropriated out of the treasury of the Commonwealth, to the widow of Mr. Joseph Morrill, deceased, late a member of the house of representatives from Salisbury, the sum of seventy-five dollars, in full for services rendered in the house of representatives during the present session.

Representative deceased.

Approved April 29, 1862.

Chap. 90.Support of Chap-
pequiddic In-
dians.

RESOLVE IN FAVOR OF BARNARD C. MARCHANT.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Barnard C. Marchant, guardian of the Christiantown and Chappequiddic Indians, the sum of fifty dollars, (or so much of the same as may be necessary,) for the support of Nelley Joseph, a member of the Chappequiddic tribe of Indians.

Approved April 29, 1862.

Chap. 91.Services and in-
juries at Balti-
more.

RESOLVE IN FAVOR OF JOHN E. AMES.

Resolved, For reasons set forth in the petition of John E. Ames, that there be allowed and paid out of the treasury of the Commonwealth, to said petitioner, the sum of three hundred and ninety dollars, for services rendered and injuries received while in the service of the United States, at Baltimore, on the nineteenth day of April, in the year eighteen hundred and sixty-one.

Approved April 30, 1862.

Chap. 92.Representative,
expenses of sick-
ness.

RESOLVE IN FAVOR OF ASA E. LOVELL.

Resolved, That there be allowed and paid, and the same is hereby appropriated out of the treasury of the Commonwealth, to Mr. Asa E. Lovell, of Barnstable, the sum of twenty-six dollars, in addition to his regular compensation as a member of the house of representatives, to pay the expenses incurred by him in consequence of sickness.

Approved April 30, 1862.

Chap. 93.Four thousand
five hundred dol-
lars appropriated.

RESOLVE FOR AN APPROPRIATION FOR THE MUSEUM OF COMPARATIVE ZOOLOGY, AND THE STATE CABINET OF NATURAL HISTORY.

Resolved, That there be appropriated and paid, out of the moiety of the income of the school fund applicable to educational purposes, the sum of three thousand five hundred dollars, to the Trustees of the Museum of Comparative Zoölogy, to be applied to the care and arrangement of the collections belonging thereto; and the sum of one thousand dollars, to the improvement of the State Cabinet of Natural History, to be expended under the direction of the secretary of the board of agriculture.

Approved April 30, 1862.

Chap. 94.Allowance for
services.

RESOLVE IN FAVOR OF THE SUDBURY RIFLE COMPANY.

Resolved, For reasons set forth in the petition of Abel B. Jones and others, that there be allowed and paid, out of the treasury of the Commonwealth, to the following named persons, the sums set against their respective names, in full compensation for services rendered by them, as members of

company G, thirteenth regiment, Massachusetts volunteer militia, as per special order of the commander-in-chief, number three hundred and fourteen, dated June twenty-sixth, eighteen hundred and sixty-one, to wit: To Abel B. Jones, captain, fourteen dollars; Marshall Davis, second lieutenant, twelve dollars; J. L. Willis, third lieutenant, thirty dollars; H. H. Benham, fourth lieutenant, thirty dollars; William H. Brent, first sergeant, thirteen dollars and sixty cents; Nelson Fairbank, fourth sergeant, twelve dollars; O. R. Richards, fifth sergeant, twelve dollars; Eli Willis, first corporal, eight dollars and twenty-five cents; A. Willis, second corporal, five dollars and fifty cents; J. Hammond, musician, seven dollars and seventy cents; J. H. Brown, private, nine dollars and sixty cents; Eliphalet Seass, private, seven dollars; Josiah Gleason, private, nine dollars and sixty cents; G. L. Sanborn, private, six dollars and thirty-four cents; G. H. Simpson, private, six dollars and thirty-four cents; Andrew Haynes, private, nine dollars and sixty cents; F. P. Hosmore, private, seven dollars and twenty cents; John Woodhare, private, seven dollars and twenty cents; E. L. Blood, private, nine dollars and sixty cents; C. A. Seass, private, nine dollars and sixty cents; E. A. Conant, private, nine dollars and sixty cents; J. N. Haynes, private, nine dollars and sixty cents; John Lee, private, nine dollars and sixty cents; D. Sloiss, private, nine dollars and sixty cents; L. W. Brown, private, nine dollars and sixty cents; G. W. Woodbury, private, nine dollars and sixty cents; J. O. Brine, private, nine dollars and sixty cents; R. Cowin, private, nine dollars and sixty cents; A. S. Eastman, private, three dollars and thirty-six cents; G. K. Parks, private, three dollars and thirty-six cents; Amasa Arnold, private, three dollars and thirty-six cents.

Approved April 30, 1862.

RESOLVE IN FAVOR OF THE BRISTOL COUNTY AGRICULTURAL SOCIETY. *Chap. 95.*

Resolved, For reasons set forth in the petition of Theodore Dean and others, that there be allowed and paid out of the treasury of the Commonwealth to Timothy Gorden, treasurer of the Bristol County Agricultural Society, the sum of two hundred and fifty-dollars, the same being in full for damage to buildings, fences, trees, grass and other things, while the land of said society was occupied as "Camp Old Colony."

Allowance to,
for damage sus-
tained from en-
campment.

Approved April 30, 1862.

RESOLVE IN RELATION TO STREETS AND DRAINAGE ON THE BACK BAY. *Chap. 96.*

Resolved, That the commissioners on public lands be, and they hereby are authorized to make such modifications of

Commissioners
may modify exist-
ing agreements.

May authorize
new streets, dis-
continue, etc.

Notice to parties
interested.

existing agreements in relation to the drainage of the Back Bay territory, so called, situated between the Milldam and Tremont Street, in Boston, as may be agreed upon by the city of Boston and all other parties to such agreements, subject to the approval of the governor and council; and they may authorize the making of such new streets and ways, and the discontinuance of such streets and ways as have already been made or provided for, on the territory of the Boston Water-Power Company, and may connect any such streets with the streets on the Commonwealth's territory, as they may deem expedient, and upon such terms and conditions as they may determine upon, subject to the approval of the governor and council; but before proceeding to act on this resolve, the commissioners shall give public notice by advertisement in two newspapers published in Boston, of the time and place at which all parties having any objections to such changes, or the laying out of such streets, may be heard.

Approved April 30, 1862.

Chap. 97. RESOLVE FOR THE PAYMENT OF EXPENSES INCURRED UNDER THE PROVISIONS OF "AN ACT CONCERNING CATTLE COMMISSIONERS."

Appropriation
authorized.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, the sum of five thousand dollars, for the compensation and authorized expenses of the commissioners appointed under "An Act concerning Cattle Commissioners," being chapter twenty-eight of the acts of the present session of the legislature.

Approved April 30, 1862.

Chap. 98. RESOLVE TO PAY A SUM OF MONEY DUE THE UNITED STATES.

Appropriation.

Resolved, That there be allowed and paid, and the same is hereby appropriated, out of the treasury of the Commonwealth, the sum of seven hundred thousand eight hundred and ninety-four dollars, to pay the amount due the United States, under the act of congress, approved August fifth, eighteen hundred and sixty-one; and the treasurer is hereby authorized to borrow of the banks of this Commonwealth, a sum not exceeding the amount appropriated by this resolve; and he shall repay the same as soon as money sufficient for the purpose shall be received into the treasury.

Approved April 30, 1862.

Chap. 99. RESOLVE PROVIDING FOR THE PAYMENT OF THE EXPENSES OF THE MASSACHUSETTS ALLOTMENT COMMISSIONERS FOR THE YEAR EIGHTEEN HUNDRED AND SIXTY-TWO.

Appropriation.

Resolved, That there be appropriated and paid from the state treasury, a sum not exceeding seven hundred and fifty

dollars, for the expenses during the present year of three Massachusetts allotment commissioners, appointed by the president of the United States, in pursuance of the requirements of the act of congress, approved December twenty-fourth, in the year eighteen hundred and sixty-one.

Approved April 30, 1862.

RESOLVE GRANTING LEAVE TO WILLIAM H. HAVEN TO RE-MARRY HANNAH HAWES, AND LEGITIMATING THEIR ISSUE.

Chap. 100

Resolved, For the reasons set forth in the petition of William H. Haven, of Leicester, and others, the said William H. Haven is hereby authorized to re-marry Hannah Hawes; and the contract of marriage heretofore made by the said William H. Haven and the said Hannah Hawes, is hereby ratified and confirmed, and shall have the same effect so far as regards their respective civil rights and those of the issue of said marriage, as if the said contract of marriage were legal at the time of its solemnization.

Approved, April 30, 1862.

RESOLVE MAKING AN ADDITIONAL APPROPRIATION FOR THE SUPPORT OF LUNATIC STATE PAUPERS THE PRESENT YEAR.

Chap. 101

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, and the same is hereby appropriated, for the support of state lunatic paupers, a sum not exceeding thirty thousand dollars, in addition to sixty thousand dollars already appropriated the present year.

Thirty thousand dollars.

Approved April 30, 1862.

RESOLVE TO PROVIDE ADDITIONAL COMPENSATION TO THE CHAPLAINS, DOOR-KEEPERS, MESSENGERS AND PAGES OF THE LEGISLATURE.

Chap. 102

Resolved, That in addition to the sum now provided by law, there be allowed and paid out of the treasury of the Commonwealth, to each of the door-keepers and messengers in attendance on the legislature, three dollars per day for each and every day's attendance, during the present session, exceeding one hundred days, and to the chaplains of the senate and house of representatives, and to each of the pages, two dollars per day for each and every day's attendance on the legislature during the present session, exceeding one hundred days.

Compensation for attendance beyond one hundred days.

Approved April 30, 1862.

RESOLVE IN FAVOR OF RHODA M. TAYLOR.

Chap. 103

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Rhoda M. Taylor of Westport, an Indian, the sum of fifty dollars.

Indian of Westport.

Approved April 30, 1862.

Chap. 104

Use of land for military camp.

RESOLVE IN FAVOR OF HIRAM L. NEWHALL.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Hiram L. Newhall, the sum of fifty dollars in full payment for the use of his land by military authorities at Camp Schouler, and damages to said land, and to fences upon the same. *Approved April 30, 1862.*

Chap. 105

Services and injuries at Baltimore.

RESOLVE IN FAVOR OF MICHAEL GREEN.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the mayor of Lawrence, for the benefit of Michael Green, the sum of sixty-six dollars, in full payment for services rendered as member of company I, sixth regiment Massachusetts volunteer militia, and for injuries received at Baltimore on the nineteenth day of April, in the year eighteen hundred and sixty-one.

*Approved April 30, 1862.***Chap. 106**

Military services.

RESOLVE IN FAVOR OF THOMAS A. SEARS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Thomas A. Sears, the sum of seventy-five dollars, in full compensation for military services.

*Approved April 30, 1862.***Chap. 107**

Representative, expense of sickness.

RESOLVE IN FAVOR OF WILLIAM L. SMITH.

Resolved, That there be allowed and paid, and the same is hereby appropriated, out of the treasury of the Commonwealth, to Mr. William L. Smith, a member of the house of representatives, the sum of thirty-eight dollars, in full for expenses of sickness during the present session of the legislature, and that a warrant be drawn accordingly.

*Approved April 30, 1862.***Chap. 108**

Injuries at Baltimore.

RESOLVE IN FAVOR OF WILLIAM T. PATCH.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to William T. Patch of Tyngsborough, in the county of Middlesex, the sum of forty-four dollars; it being for injuries received in Baltimore while a member of company D, sixth regiment Massachusetts volunteers, April nineteenth, eighteen hundred and sixty-one.

*Approved April 30, 1862.***Chap. 109**

Clerk, committee on claims.

RESOLVE IN FAVOR OF WILLIAM P. HOOD.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to William P. Hood, in consideration of his extra labors as clerk of the committee on

claims, the sum of three dollars per day for each and every day's attendance during the present session of the legislature, exceeding one hundred days.

Approved April 30, 1862.

RESOLVE IN FAVOR OF FITZ J. BABSON.

Chap. 110

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Fitz J. Babson, the sum of seventy-eight dollars and thirty-three cents, in full for service as first lieutenant company K, twelfth regiment, Massachusetts volunteer militia.

Military service.

Approved April 30, 1862.

RESOLVE IN FAVOR OF JAMES H. PARKS.

Chap. 111

Resolved, For reasons set forth in the petition of James H. Parks of Cambridge, that there be allowed and paid, out of the treasury of the Commonwealth, to said petitioner, the sum of four hundred and thirty-eight dollars, in full payment for trucking and other services rendered the state.

Approved April 30, 1862.

RESOLVE PROVIDING FOR AN ADJUSTMENT OF CERTAIN LAND CLAIMS IN SOUTH BAY.

Chap. 112

Resolved, That the commissioners on harbors and flats be and they are hereby authorized to inquire into, ascertain and report to the next general court, the quantity and value of any and all lands, marshes and flats, which are included within the commissioners' lines about South Bay, in the harbor of Boston, belonging to proprietors other than the Commonwealth, and the extent to which the legal rights of said proprietors are or may be affected, by the operation of the statute defining said commissioners' lines, and what compensation, if any, is due therefor, and whether said lines may be changed about the South Bay, without injury to the harbor, and if so, to report what change may be made.

Commissioners on harbors and flats to ascertain value of certain lands and damages thereto, etc.

Approved, April 30, 1862.

RESOLVES IN RELATION TO THE ACT PASSED BY THE GENERAL ASSEMBLY OF MARYLAND, FOR THE RELIEF OF THE FAMILIES OF THE KILLED AND WOUNDED OF MASSACHUSETTS AT BALTIMORE, ON THE NINETEENTH OF APRIL, EIGHTEEN HUNDRED AND SIXTY-ONE.

Chap. 113

Resolved, That the Commonwealth of Massachusetts hereby acknowledges the liberal appropriation of her sister state of Maryland, for the relief of the wounded and of the families of the killed of the sixth regiment of Massachusetts volunteers, in the lamentable occurrences at Baltimore on the nineteenth of April, eighteen hundred and sixty-one. The people of Massachusetts will welcome, with sincere and

Appropriation acknowledged.

cordial satisfaction, this evidence of the generous sympathy of the people of Maryland, which will tend to restore and strengthen that kind and fraternal feeling which should ever exist between the citizens of the different states of the Union.

Transmission of
copy.

Resolved, That his excellency the governor be requested to transmit a copy of these resolves to his excellency the governor of Maryland, with the request that they be laid before the legislature of that state, at its next session.

Approved April 30, 1862.

Chap. 114

RESOLVE IN FAVOR OF CERTAIN MILITARY COMPANIES.

Allowance for
military services.

Resolved, That there be paid out of the treasury of the Commonwealth, the following sums, in payment for uniforms belonging to and worn out by the several companies of the Massachusetts volunteer militia hereinafter named, while engaged in the military service of the United States, as three months volunteers, under the proclamation of the president, to wit:—

Third regiment.

To the selectmen of the town of Halifax, for the benefit of company A, the sum of two hundred and seventy-nine dollars; to the selectmen of the town of Plymouth, for the benefit of company B, the sum of three hundred dollars; to the selectmen of the town of Freetown, for the benefit of company G, the sum of one hundred and sixty dollars; to the selectmen of the town of Plympton, for the benefit of company H, the sum of two hundred and seven dollars; to the selectmen of the town of Carver, for the benefit of company K, the sum of three hundred and seventy-eight dollars; to the mayor of the city of New Bedford, for the benefit of company L, the sum of three hundred and ninety-two dollars; said companies being of the third regiment.

Fourth regiment.

To the selectmen of the town of Canton, for the benefit of company A, the sum of two hundred and four dollars; to the selectmen of the town of Easton, for the benefit of company B, the sum of two hundred and four dollars; to the selectmen of the town of Braintree, for the benefit of company C, the sum of three hundred and fifty-one dollars; to the selectmen of the town of Randolph, for the benefit of company D, the sum of one hundred and eighty-two dollars; to the selectmen of the town of Abington, for the benefit of company E, the sum of three hundred dollars; to the selectmen of the town of Foxborough, for the benefit of company F, the sum of three hundred and ninety dollars; to the selectmen of the town of Taunton, for the benefit of company G, the sum of four hundred and forty-one dollars; to

the selectmen of the town of Quincy, for the benefit of company H, the sum of two hundred and forty dollars; to the selectmen of the town of Hingham, for the benefit of company I, the sum of one hundred and fifty dollars; the said companies being of the fourth regiment.

To the mayor of the city of Salem, for the benefit of Fifth regiment. company A, the sum of four hundred and fifty dollars; to the selectmen of the town of South Reading, for the benefit of company B, the sum of six hundred and eight dollars; to the mayor of the city of Charlestown, for the benefit of company C, the sum of seven hundred and twenty dollars; to the selectmen of the town of Concord, for the benefit of company G, the sum of two hundred and seventy dollars; to the mayor of the city of Salem, for the benefit of company H, the sum of three hundred and sixty-four dollars; to the selectmen of the town of Somerville, for the benefit of company I, the sum of five hundred and eighteen dollars; to the mayor of the city of Charlestown, for the benefit of company K, the sum of eight hundred and eighty-five dollars; to the selectmen of the town of Haverhill, for the benefit of company G, detached from the seventh regiment, the sum of four hundred and sixty-eight dollars; said companies being of the fifth regiment.

To the mayor of the city of Lowell, for the benefit of Sixth regiment. company A, the sum of four hundred and thirty-two dollars; to the selectmen of the town of Groton, for the benefit of company B, the sum of four hundred and ninety-six dollars; to the mayor of the city of Lowell, for the benefit of company C, the sum of five hundred and sixteen dollars; to the mayor of the city of Lowell, for the benefit of company D, the sum of four hundred and ninety dollars; to the selectmen of the town of Acton, for the benefit of company E, the sum of four hundred and twenty-three dollars; to the mayor of the city of Lawrence, for the benefit of company F, the sum of four hundred dollars; to the mayor of the city of Lowell, for the benefit of company H, the sum of four hundred and eighty dollars; to the mayor of the city of Lawrence, for the benefit of company I, the sum of four hundred and thirty-two dollars; to the mayor of the city of Boston, for the benefit of company K, detached from the first regiment, the sum of five hundred and fifty-eight dollars; to the selectmen of the town of Stoneham, for the benefit of company L, detached from the seventh regiment, the sum of five hundred and twenty dollars; to the mayor of the city of Worcester, for the benefit of company B, detached from the third battalion of infantry, the sum of

six hundred and twenty-five dollars; said companies being of the sixth regiment.

Eighth regiment.

To the mayor of the city of Newburyport, for the benefit of company A, the sum of five hundred and twenty dollars; to the selectmen of the town of Marblehead, for the benefit of company B, the sum of three hundred and seventy-seven dollars; to the selectmen of the town of Marblehead, for the benefit of company C, the sum of four hundred and twenty dollars; to the selectmen of the town of Marblehead, for the benefit of company H, the sum of three hundred and thirty-six dollars; to the mayor of the city of Lynn, for the benefit of company D, the sum of four hundred and twenty-seven dollars; to the selectmen of the town of Beverly, for the benefit of company E, the sum of five hundred and thirty-six dollars; to the mayor of the city of Lynn, for the benefit of company F, the sum of five hundred dollars; to the selectmen of the town of Gloucester, for the benefit of company G, the sum of three hundred and thirty-six dollars; to the mayor of the city of Salem, for the benefit of company I, detached from the seventh regiment, the sum of four hundred and fourteen dollars; to the selectmen of the town of Pittsfield, for the benefit of company K, detached from the first battalion of infantry, the sum of four hundred and seventy dollars; said companies being of the eighth regiment.

And said several sums shall be paid from the union fund, and shall be disposed of by said selectmen, and mayor and aldermen, in such manner as the several companies aforesaid shall by vote direct.

Approved April 30, 1862.

Chap. 115

RESOLVE IN RELATION TO SICK AND WOUNDED SOLDIERS.

Removal home
of Massachusetts
sick and wound-
ed.

Resolved, That the governor, by and with the advice and consent of the council be, and he hereby is, authorized to take any measures he may deem expedient to aid the general government in the removal of our sick and wounded soldiers to Massachusetts, and he may draw his warrant on the treasury for the payment of any expenses incurred in pursuance of this resolve, and the necessary amount therefor is hereby appropriated; and the treasurer of the Commonwealth is hereby authorized to require of the several banks of this Commonwealth, loans of such sum or sums of money as may be necessary for the purposes of this resolve. And the governor shall make a detailed statement to the legislature on or before the tenth day of January, eighteen hundred and sixty-three, of the expenditures incurred under the authority of this resolve, with the names of the soldiers for

Appropriation.

Statement of ex-
pense required.

whom the expense is incurred, and the respective amounts paid on account of each, as far as practicable.

This resolve shall take effect upon its passage.

Approved April 30, 1862.

RESOLVE IN FAVOR OF BENJAMIN R. DEAN.

Chap. 116

Resolved, For reasons set forth in the petition of Benjamin R. Dean, that there be allowed and paid out of the treasury of the Commonwealth to said petitioner, the sum of two hundred and thirty-seven dollars and fifty-five cents.

Approved April 30, 1862.

RESOLVE ON THE PETITION OF W. G. LANGDON.

Chap. 117

Resolved, That the petition of W. G. Langdon, to be paid for one hundred and one rifles, furnished to the Commonwealth, be referred to the attorney-general, the master of ordnance, and the auditor, who are hereby constituted a commission, with instructions to notify and hear all the parties interested in the purchase and sale of said rifles, to ascertain whether there was any contract made for them, and if any, by what authority and by whom made; if said rifles were suitable for the service for which they were made; if they were inspected; what was the manufacturer's price for such rifles at the time of the alleged contract; whether the manufacturer of such rifles was able to furnish the number of rifles required at that time; what evidence there is, if any, that other parties could have furnished the requisite number, and at what price, together with all other facts and circumstances necessary to a full understanding of the case, and to report to the governor and council as soon as conveniently may be, who are hereby authorized to award and pay to the claimant whatever amount the commissioners, or a majority of them, shall report to be due.

Payment for rifles referred to master ordnance, attorney-general, and auditor.

Instructions.

Report to governor and council.

Approved April 30, 1862.

RESOLVE

PROVIDING FOR AN AMENDMENT TO THE CONSTITUTION RELATIVE
TO THE QUALIFICATION OF VOTERS.

Resolved, By both houses, (the same being agreed to by a majority of the senators and two-thirds of the members of the house of representatives, present and voting thereon :—)

That it is expedient to alter the constitution of this Commonwealth, by adopting the subjoined Article of Amendment, and that the same, as thus agreed to, be entered on the journals of the two houses, with the yeas and nays taken thereon, and referred to the general court next to be chosen, and that the same be published, to the end that if agreed to by the general court next to be chosen, in the manner provided by the constitution, it may be submitted to the people for their ratification in order that it may become a part of the constitution of this Commonwealth.

ARTICLE OF AMENDMENT.

The twenty-third Article of the Articles of Amendment of the Constitution of this Commonwealth, which is as follows, to wit :—

“No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this Commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof: and *provided, further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom,” is hereby wholly annulled.

HOUSE OF REPRESENTATIVES, March 3, 1862.


The foregoing Resolve and Article of Amendment are agreed to by the House of Representatives, two-thirds of the members present, and voting thereon, having voted in the affirmative, and the Resolve and Article of Amendment are referred to the General Court next to be chosen.

Sent up for concurrence. W. S. ROBINSON, *Clerk*.

IN SENATE, March 8, 1862.

The foregoing Resolve and Article of Amendment are agreed to, in concurrence, a majority of the members present, and voting thereon, having voted in the affirmative.

S. N. GIFFORD, *Clerk*.

 The General Court of 1862 during its annual session, passed 225 Acts and 117 Resolves which received the approval of the Governor. In addition to these, three Acts entitled respectively "An Act in addition to an Act in aid of the families of Volunteers and for other purposes," "An Act to divide the Commonwealth into Districts for the choice of Representatives in the Congress of the United States," and "An Act to incorporate the New England Railroad Transportation Company," were laid before the Governor for his approval, and the first and second of said Acts were returned by him, unapproved, together with a statement of his objections, to the branches in which they originated. The first of said Acts being placed upon its final passage, in the manner provided by the Constitution, notwithstanding the objections of the Governor, and two-thirds of the members failing to "agree to pass the same," it was accordingly declared lost, the vote in the Senate being 33 in the negative and none in the affirmative. The second of said Acts being placed upon its final passage in the manner provided by the Constitution, notwithstanding the objections of the Governor, was reconsidered by the Senate and House of Representatives and passed, two-thirds of the members present and voting thereon, having voted in the affirmative, the vote in the Senate being 22 in the affirmative to 11 in the negative, and in the House 137 in the affirmative to 67 in the negative. The third of said Acts, having been presented on the evening of the last day of the session, was retained by the Governor, and, as provided by the Constitution in such cases, failed to become a law, the legislature having adjourned within five days thereafter.

ACTS OF 1862 CLASSIFIED.

General Statutes, or Acts of a public character, . . .	158
Special Acts, relating to individuals and corporations, . . .	68—226

INAUGURAL ADDRESS

OF

HIS EXCELLENCY JOHN A. ANDREW.

At one o'clock on the third day of January, His Excellency the Governor, accompanied by His Honor the Lieutenant-Governor, the members of the Executive Council, and officers of the civil and military departments of the government, attended by a Joint Committee of the two Houses, and the Sheriff of Suffolk, met the Senate and House of Representatives, in Convention, and delivered the following

A D D R E S S .

Gentlemen of the Senate and

House of Representatives :

Called by the election of the people of Massachusetts, we are assembled at the Capitol of the Commonwealth to inaugurate a year of momentous duties and cares. By the favor of our fathers' God—whose blessing we most humbly implore, from whom cometh down all strength and wisdom, and who alone can give the victory,—this people, fortunate in all the circumstances of their history, and in the opportunities of patriotism, rising to the height of the great occasion, girding up their loins, and stretching out their hands to grasp and encounter the future, are summoned to a new consecration to the cause of Him, of their country, and the rights of mankind.

You, as lawgivers of the State, will know how best to assist and guide them, by devoting an hour to an estimate of our present condition, prospects, and wants.

FINANCES.

The ordinary expenses of the Commonwealth for the year ending December 31, 1861, payable from the ordinary revenue, amount so far as now ascertained by the Auditor, to \$922,208.08, to which there should be added about \$100,000 more, on account of expenses incurred, of which no returns have yet been made, making the total ordinary expenses properly belonging to the year about a million dollars. And to this is to be added an expenditure of \$24,366.98, incurred in the equipment of troops under the provisions of chapter 67 of the Resolves of 1861, by the provision of which equipment in advance, our militia regiments were somewhat prepared for the prompt movement which they made to the defence of Washington in April.

The total payments for the year, from the treasury, on account of ordinary expenses, were \$1,180,408.69, being in part chargeable to liabilities incurred during the former year, the expenses properly chargeable to the present year being as stated above. The ordinary revenue receipts of the treasury, for the year were, in the aggregate, \$1,127,166.62, exhibiting when compared with the payments, a deficiency of \$53,242.07, for which provision needs to be made by legislation.

The following tabular statement exhibits the accounts to which the payments of the Treasurer during the year are chargeable:—

Executive Department, Governor and Council,	\$18,216 47
Secretary's Department,	24,723 55
Treasurer's Department,	5,823 33
Auditor's Department,	5,720 98
Legislative Department,	169,983 07
Judicial Department,	152,754 00
Attorney-Genl's Department, and for District-Attorneys,	18,127 34
Agricultural Department,	29,287 57
Sergeant-at-Arms' Department, and State House,	12,662 34
Adjutant-General's Department, Militia, &c.,	93,756 68
Insurance Commission,	5,669 28
Bank Commission,	9,813 59
Charitable Institutions,	289,492 73
Correctional Institutions,	125,527 76
Public Buildings,	37,800 00
Interest,	116,492 98
Miscellaneous,	64,587 02
<hr/>	
Total payments,	\$1,180,408 69
Total revenue receipts,	1,127,166 62
<hr/>	
Deficit,	\$53,242 07

The floating debt of \$300,000 has been funded during the year, agreeably to the Act of the last Legislature, thereby increasing our permanent liabilities by that amount. They have also been increased during the year 1861, on account of the Troy and Greenfield Railroad, \$297,208.

The total expenditure for military purposes on account of the existing war, as authorized by chapter 216 of the Acts of 1861, amounts, so far as rendered at the close of business in the Auditor's Department, December 31, 1861, to \$3,384,644.88, classified in the accompanying recapitulation,—which includes also one warrant drawn on January 1st, 1862:—

Miscellaneous,	\$263,047 47
Arms and Equipments, including camp equipage, horses, harnesses, baggage and ambulance wagons,	1,668,649 94
Pay,	93,631 38
Clothing,	1,015,931 49
Subsistence,	209,489 36
Transportation,	101,602 26
Medical and Hospital,	32,292 98
Total,	<u>\$3,384,644 88</u>

Excluding that warrant, the total amount of payments on account of military expenses, under chapter 216, was \$3,343,694.41, and the total amount of receipts on account of those expenses has been \$987,263.54, which receipts are briefly recapitulated in the following table, and have so accrued to the treasury that at no time has the net liability of the Commonwealth on account of such expenses reached \$3,000,000:—

Receipt in cash from the United States of 40 per cent. of military expenditures, to close of August,	\$775,000 00
Amount returned on account of certain commissary disbursements,	2,877 39
Duties refunded on importations of arms,	35,340 00
Sale of steamer Cambridge,	37,500 00
Earnings of steamer Cambridge,	20,622 98
Sale of steamer Pembroke,	24,735 00
On account of supplies paid for three months troops,	33,657 26
Sale of ordnance to State of Maine,	21,005 35
From U. S. Quartermaster-General's, Commissary-General's, and Ordnance Departments,	36,515 56
Total,	<u>\$987,263 54</u>

There is also due to the Commonwealth, on account of sales of ordnance and ordnance stores:—

From the State of Ohio,	\$20,127 50
From the State of New Hampshire,	15,887 75
From the United States,	7,641 88
Total,	<hr/> \$43,657 13

To which should be added the further sum of \$19,950 due from the United States, but not yet received, for the earnings of the steamer Pembroke, which amount was settled on conference with the United States Quartermaster-General, as that justly due, and of which payment ought immediately to be made to the Commonwealth, and is daily expected.

If we consider as cash this sum of \$19,950, and also the \$43,657.13 due from Ohio, New Hampshire, and the United States, on account of sales of ordnance which they needed and we were able to supply, these in addition to the \$986,263.54 already stated, make an aggregate of \$1,050,860.67 of receipts, and deducting that sum from \$3,343,694.41, the amount of the disbursements at the close of the year, our net liability, on account of military expenditures incurred during the year 1861, under the provisions of chapter 216 of the Acts of that year, is thus far \$2,292,833.74.

MILITARY.

For the details of our military conduct and expenditure, which are impossible of recital here, I respectfully refer to the full report of the Adjutant-General which is already in press, attended by those of the Quartermaster-General, the Commissary-General, and the Surgeon-General, and the report of the Committee of three Councillors whom I appointed early in the year to supervise military contracts, and by whom nearly all the contracts for Quartermaster's supplies were actually made. The uniform of one regiment (the 12th, Colonel Webster,) will not be found in the report of the Committee; but it will appear in that of the Quartermaster-General, since although it was paid for as a military expense of the State, the regiment at its own request selected a particular uniform and contractor. Certain items belonging to bureaus not existing at first, for that reason do not appear in their accounts, but elsewhere. Called on from time to time, always without premonition, suddenly and after we had been discouraged to expect more requisitions—it has been impossible to arrange with satisfactory forecast a system of operations such as the history of the year, could it have been foreseen by all parties, would have called for.

But, with alacrity and zeal, and with unquestioning submission to the wants of the Department of War, and at

its special and repeated requests, we have devoted ourselves to raising, recruiting, training, encamping, subsisting, arming, equipping and supplying, with all the arms, armament and warlike munitions, and with the uniforms, camp equipage, and transportation known to the regulations of the army, the volunteers demanded of the State. And the endeavor has been, so far as it could be done, to conform to such regulations. But we could not avoid adapting military movements somewhat to our own militia system, and to the opinions and pre-occupations of the people; else the great movement would have been discouraged, and the ranks slowly, or never, filled. The State has contributed five regiments of infantry, one battery of artillery, and one battalion of rifles, of her militia, to the three months service. To the three years service she has sent as volunteers, twenty-four regiments of infantry, one of cavalry, five batteries of artillery, two companies of sharpshooters, and an infantry battalion of five companies. Six companies more became attached to two regiments from the State of New York. Besides expenditures on these objects, are the investments in purchasing and expenses of running the steamers Cambridge and Pembroke in the public service. These steamers have been sold, and their cost and expenses covered by the prices obtained, and by the adjustments made with the Federal Government for their services as transports and gunboats.

By chapter 21 of the Acts passed at the extra session of Congress on the 27th of July last, provision was made for refunding to the States the amounts of their military expenditures in behalf of the United States; and it is under this Act that we have already been reimbursed to the amount of \$775,000, and our accounts have been presented to the Federal auditors for all the balance to that date. Our subsequent military expenditures have been made on consultation with and at the request of the Secretary of War, who asked,—to use his own language under date of September 5th—our “active co-operation in the organization of an army sufficiently powerful to crush the Southern rebellion and forever set at rest the question of secession,” and stated that in his opinion “the best method” was for us “to proceed with the organization of regiments as authorized, the expense of which will be paid from time to time by requisitions from you, accompanied with proper certificates and original bills.” By an arrangement which I have effected with the officers of the Federal Treasury Department, certified copies of the bills are received by them instead of the originals, and our

full accounts have accordingly been prepared and presented for audit up to a recent date.

There is also included in these expenses the cost of three hundred and fifty blankets and suits of clothing sent to Richmond for the use of our Massachusetts men there held as prisoners of war, and suffering privations both indecent and inhuman. The particulars of their necessities were first learned through a letter of the Adjutant of the Twentieth Regiment, himself one of the prisoners. Without delay I caused these articles to be sent, and am happy to learn by information from Colonel William Raymond Lee that they have been received. I also established a credit in favor of the Adjutant for the use of these captives, to the amount of one thousand dollars, for the purpose of affording means to procure, if possible, medicines for the sick, and some alleviations for the feeble, and little stores not easily sent or anticipated. These last acts are not authorized by any law; save by the law written on our hearts; and they are submitted to your generous candor.

An elaborate report, with tables of the utmost minuteness, has been prepared by our present able and indefatigable Master of Ordnance, covering all the details of the business, property, and expenditure of his bureau. Its expenditures have been \$562,488.30—of which \$251,339.96 were paid for Enfield rifles, and \$23,617.83 for English infantry equipments. The balance is made up of American infantry equipments, ordnance, ordnance stores of every description, and wagons and caissons for the battery companies, freight, repairs, and the like. All regiments, and companies, whether of infantry or artillery, both for three months and for three years service, furnished by the State to the General Government, have, with the exception of one battery, received all their armament from the Commonwealth. The horse equipments and sabres for the cavalry were received from the United States. Of the troops in the three years service, fourteen regiments are armed with the Enfield rifled musket, four with the Springfield rifled musket, and five with the Springfield smooth bored musket. The smooth bored with which the 15th and 21st regiments were at first provided were afterwards replaced by rifled arms. Of the Massachusetts companies at Fortress Monroe, about to be reinforced by three companies already organized, and now recruited into a regiment (the 29th, making our three years infantry regiments twenty-four in number,) one company received the Springfield and one the Harper's Ferry rifle, and the other companies, the Springfield smooth bore, which

were exchanged for Springfield rifled arms, taken from our third and fourth militia, on leaving the Fortress at the expiration of their three months' service. Our five companies composing the battalion on guard duty at Fort Warren in Boston Harbor, are armed with the Springfield smooth bore. Our two companies of sharpshooters carry rifles, mostly with telescopic sights, specially selected under direction of a committee of the Council.

With the assent of the Executive Council, I assumed the responsibility of making, at a critical moment, a loan of two thousand Springfield smooth bores, to the loyal authorities of Western Virginia, concerning which there is an interesting correspondence on the files of the Executive Department.

There is some loss of muskets and more expense for repair occasioned by the want of proper handling by inexperienced volunteers, drill clubs and militia. And the absence of proper accounts in the ordnance office during a portion of the year, renders it as yet impossible to trace them. There are now in the arsenal, (or out for cleansing or repair,) including all descriptions of arm, 5,883 muskets and rifles. Of these 1,509 are Enfield rifles, and 2,078 Windsor rifles. In addition to our original contract for Enfield rifles, reported to the Legislature in May, under the advice of experienced persons, and in view of the difficulty in commanding suitable weapons, I caused, with the consent of the Council, new contracts to be made for 5,000 more Enfield rifles, of which 320 have arrived, and are included in the above enumeration. It is hoped that recent events may remove the British interdict against the export of arms and munitions of war, and enable us to receive our weapons. But, whether this takes place or not, I have earnestly to recommend the employment of our own domestic industry, and skill, in the production of rifles, by immediate contracts for not less than fifteen thousand stand of arms. And I trust Massachusetts will never again see the day, while aggression and wars are possible misfortunes, when she will be unprepared to put into the field, whenever the country calls, at least 25,000 well trained militia, full-armed for duty.

THE "TWO YEARS AMENDMENT."

I respectfully but urgently renew the recommendation, that the initiative measures be taken for the repeal of the recent constitutional discrimination between citizens of alien and those of American birth, familiarly known as "The Two Years Amendment."

Engaged shoulder to shoulder in one of the most tremendous strifes of history, for the maintenance and defence of the country, to which some of us were born, and which others adopted, there is no distinction of duties, there has been none of patriotism and loyalty, and there should be none of rights between those two classes of citizens, whose hearts, torn by a common sorrow, beat responsive to the grand appeal of a common duty, and who gladly share a common danger, and strive in heroic competition for the garlands of glory, due not to the blood they inherit, but to the blood they shed and imperil.

If for any reason, any persons have ever doubted the loyalty or distrusted the patriotism of this class of our citizens, let the events of the past year admonish them that such doubts and such distrust were not merited, and prompt them to concur, cordially and unasked, in the restoration of an equal franchise.

RELIEF TO FAMILIES OF VOLUNTEERS.

I respectfully recommend that the 222d chapter of the Acts of 1861 be so amended as to include in its provisions for the aid of the families of "the Volunteer Militia of this State," those companies which at an early period in the war, impatient of delay, and anxious for service, marched from the Commonwealth and became attached to the regiments of New York, with whose volunteers they are consequently enumerated. Earnest, but unsuccessful efforts have been made to transfer them to Massachusetts corps. And I cannot doubt that the Legislature will gladly restore to these companies, composed of good soldiers, whose behavior has done credit to the State, the benefits of a statute whose equity reaches their case.

I am apprised of certain other bodies of volunteer soldiers, who were recruited by irregular means in this State, and a part of them assembled at a camp in Lowell, and others at a camp in Pittsfield, whose condition, in a similar way, appeals to the General Court for consideration. Although they were needlessly enlisted and brought together, contrary to the orders and directions of the Department of War and the authority communicated to the Governor of this State, and to general orders promulgated from the Commonwealth head-quarters, issued at a time when we were straining the enlistment by raising eight infantry regiments, one cavalry regiment, and four artillery batteries at once, besides furnishing recruits to older regiments in the field, I am of

opinion that the majority of these soldiers were misled into the belief that they were enlisting into regular regiments of Massachusetts Volunteers. They have marched, or will march, I believe, into actual service, when their conduct will doubtless entitle them to the honorable and sympathetic remembrances accorded by the State to citizens in other corps. I respectfully suggest an inquiry into the condition of these bodies ; and if no objections shall be found to exist, that the provisions of the Act be extended to their families, also, without delay.

I am informed by the Auditor that he cannot state the amount of aid given to families of volunteers, which the Commonwealth is liable to refund, any further than the sum thus expended by the city of Boston, which he reports to be \$60,000, and he estimates that sum as not likely to be less than one-fourth of the total similar disbursement of all the cities and towns. It will be necessary for you to make special legislative provision for means to refund these disbursements.

SERVICE OF PROCESS ON VOLUNTEERS.

I beg to call to your attention the present condition of the laws with regard to the service of process in civil suits, in its relation to our volunteer forces. Each of the soldiers and sailors whom we have contributed to the armies and navies of the United States, is liable to be prosecuted to final judgment in a suit, the only notice of which to the defendant, may have been by leaving a summons at his last and usual place of abode. It is, in my opinion, a legislative duty to provide further safeguards of notice to these men : and I respectfully present the subject for the consideration of the General Court, with the suggestion also to consider the expediency of providing that certain actions of tort shall not be brought against any volunteer, either in the military or naval service of the United States, during his absence from the Commonwealth on duty, under his present enlistment, and of modifying the statute of limitations for such cases.

CONGRESSIONAL DISTRICTS.

It will be necessary for additional legislation to be had relative to the election of representatives in Congress. By the result of the last national census, it appears that for the next decennial period this Commonwealth will be entitled to but ten members of the lower House, losing one member from its present proportion. To this inevitable result of the

increase of the great Western States in population, Massachusetts yields a cheerful acquiescence. She recognized from the beginning, that her narrow limits and less fertile soil would prevent successful competition with her younger sisters in the great race for material strength; but she still trusts to the intelligence and enterprise of her people to retain that degree of political power, which once she wielded by right also of predominance of population.

I respectfully suggest the expediency of no longer insisting by statute that each representative in Congress shall be an inhabitant of the District from which he is elected. This is simply a restriction upon the freedom of choice to be exercised by the various constituencies, who ought all to be treated by the law of Massachusetts as capable of selecting from among the citizens of the Commonwealth their best representatives. Our limited territory, and the homogeneous character and interests of our people, their intimacy of relations, their nearness to each other by means of their network of railways, the numbers whose legal habitations are in a town or city, while their daily business is from five to fifty or more miles remote therefrom, all tend to render it desirable that each constituency shall be unfettered in its freedom to select the wisest and ablest citizen at its command to sit in the National Council, especially in this grave emergency of our public affairs.

And the law, as it stands, is subject to the grave objection of unconstitutionality. The eligibility of a person to an office must be determined by the constitution or the law under which the office was created, and by which its jurisdiction and functions are prescribed. The office of representative in Congress is created by the constitution of the United States, by which also its powers, duties and incidents are determined. And the constitution fixes the conditions of eligibility by requiring that "No person shall be a representative who shall not have attained the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen." The question of the right of a State to add new conditions to those of the constitution, was examined in the thirty-fourth Congress by both houses, in the exercise of their respective powers to judge of the elections and qualifications of their own members. It was elaborately discussed and with great ability, and was settled in the negative by both houses, by decisive majorities; and a senator and a representative whose elections were contested on the ground that they were ineligible by

the constitution of the State from which they were elected, though not so by the constitution of the United States, retained their seats. Conspicuous instances have occurred in which members of Congress have served without objection, notwithstanding limitations of State law. It seems, therefore, well settled both by precedent and principle, that a State has no power to fix or define the qualifications of a senator or a representative in the Congress of the Union.

DIRECT NATIONAL TAX.

By the Act of Congress of August fifth, in the past year, a direct annual tax of \$20,000,000 was laid upon the United States, to be assessed upon "the value of all lands and lots of ground, with their improvements and dwelling-houses." The proportion assigned to Massachusetts, of this tax, is \$824,581.33. By the same Act it is provided that any State may assume and collect its quota, and pay the same into the National Treasury, it being lawful to use for this purpose the last or any subsequent valuation list made by authority of such State, for purposes of its own taxation; and that any State which shall, on or before the second Tuesday of February of each year, give notice through its governor or other proper officer, to the secretary of the Federal Treasury, of its intention so to assume, collect, and pay its quota, shall, by way of compensation for the expenses of collection, be entitled to a deduction of fifteen per cent., according to the amount paid by it into the Federal Treasury "on or before the last day of June in the year to which such payment relates," "such year being regarded as commencing on the first day of April." Under date of November 29th last, a communication was addressed to me by the Secretary of the Treasury, making inquiry "whether the authorities of Massachusetts will assume and pay the amount of direct tax apportioned to that State by the existing law, and also whether in case of any change in the law, by which a different and perhaps larger amount shall be apportioned to the State, the authorities will probably assume and pay it." To this communication I had the honor to reply, giving personal assurances in the affirmative; and I now respectfully refer the subject to the immediate attention of the General Court, with the recommendation that at the earliest day I may be empowered officially to notify the Secretary of the intention of Massachusetts to assume the collection of her quota of this tax for the present year, and that the necessary legis-

lation may immediately be had for the purposes of such collection.

It is true that it may be said that the Act provides that the quota of any State may be satisfied in whole or in part by the release by such State of any liquidated claim against the United States, of equal amount, and that Massachusetts has claims against the United States, far exceeding her total quota, which claims will probably become liquidated before such quota becomes due. The release of a suitable portion of these claims may afford a convenient method of insuring payment in season to secure to us the full deduction of fifteen per cent.; but in this instance it is questionable whether we should rely upon the offset of such liquidated claims to relieve ourselves from the immediate collection of this tax, for the principle upon which the State bonds were issued, on which bonds the money was raised, the expenditure of which on service of the United States constitutes the basis of such claims, was that all scrip or certificates of debt received in payment, should constitute a sinking fund for the redemption of the bonds so issued. As the annual tax of \$20,000,000 on the States is a continuing imposition, not being limited by law to the present year, but being intended as a continuing source of revenue to the Federal Government, it is as well that we should assume and realize its burden at once, instead of shifting this single year's proportion of it to another generation.

If the Commonwealth should see fit to assume the direct tax, and to pay it, (at the commutation allowed by Congress to the States,) the land and real estate of the people, as I understand the Act of Congress, will then and thereby be relieved. The payment will have been made out of its own Treasury; and if the State should have a sufficient surplus of funds, it might never be levied upon the people. Or, if otherwise, it would doubtless be competent for the State—being authorized by the law “to assess, collect and pay” the direct tax “in its own way and manner,” “and to use for this purpose” “any valuation list” last made, “for the purpose of State taxation,”—to assess and collect the money in any way known to its own financial system. Thus Massachusetts might assess whatever sum it might need therefor, on all property usually assessed in State taxation, and thus distribute the burden more equally.

INTEREST OF MONEY.

Thoroughly convinced that the people of this Commonwealth are competent to make their own contracts without the guardianship of the State, I urge upon you a modification of the usury laws. The evils of our present system are of the most serious character. An immense amount of capital is yearly sent to other States for investment where higher interest is allowed, while our citizens are daily induced to violate laws which they cannot respect. Thus in an ineffectual endeavor to protect men in making their contracts, we lose our capital, cripple our business, teach the people to be cunning and dishonest, and bring the laws of the State into contempt. That six per cent. is the exact value of money no one will pretend, while the National Government pays seven and three-tenths for it, and the market rate varies from three to twenty-four per cent. according to the demand. The present laws bear severely upon borrowers, for the lenders charge for the risk they run in violating the law. It would be wiser to legislate capital into our own borders, allow men to make their own bargains, provided they act honestly, and to encourage direct and open-handed action, by laws commanding respect.

BANKING.

The report of the Bank Commissioners will exhibit the condition of the banks of the Commonwealth. I renew my suggestions of last year that a conservative course of legislation is best for our banking system, and that radical changes should be adopted with caution, and not without mature consideration. I commend to your attention the able report of the Commissioners, and especially its suggestions in regard to institutions for savings. Their history, and a mass of instructive statistics, are comprised in the report. The facts stated, strikingly illustrate the industrial power and thrift of our people. And the wisdom which began these institutions for the benefit of those desiring to invest and accumulate their small savings, will, I doubt not, watch over them, regulate their management, and make them an element of abiding strength in the State.

A bill reported by the Committee on Banks and Banking, at a late hour in the regular session of last year, "to authorize towns and cities to receive and invest savings," was, at the request of the Committee, printed and referred to the present General Court. The scheme is explained and eloquently enforced in the Sixth Annual Report of the Insurance

Commissioners on Loan Fund Associations, prepared for the present Legislature.

The recommendations emanating from the Secretary of the United States Treasury, involving a general scheme for a national currency of Treasury scrip, or notes taking the place of the issues of the banks incorporated by the States, demand the attentive and critical examination of all persons concerned in finance.

The adoption of an exclusive national currency, having many apparent advantages, would probably involve an important change in the revenues of this Commonwealth by necessitating a repeal of the bank tax from which so large a part of it is derived. And it may be questioned how far, at the present moment, the banks of the northern Atlantic cities will deem it reasonably practicable to carry the heavy loans with which they accommodate the Government of the Union, and in addition thereto, to retire their own circulation, receiving from the Federal Government its own notes for a new medium of circulation, for which, of course, they must pledge adequate security.

The argument upon a subject covering so many intricate questions of a practical science so abstruse, and as a science so incomplete, as that of banking, could not be fitly treated on an occasion like this. Nor can I avoid the confession that as yet I do not perceive the way open to a clearly satisfactory opinion in regard to it. But, since the share this Legislature may have, if it chooses, in educating the public opinion, and assisting the judgment of Congress, is not inconsiderable, I take the liberty of bringing it prominently before the mind of the General Court.

THE TROY AND GREENFIELD RAILROAD.

By chapter 202 of the Acts of 1860, the Commonwealth appropriated "a loan of the State credit, to enable the Troy and Greenfield Railroad Company to construct the Hoosac Tunnel." In this Act, of the \$2,000,000 loan, \$650,000 is appropriated to the completion of the railroad east of the mountain. The State does not undertake to build this railroad, nor to determine the precise manner in which it shall be constructed. The only specific thing required by the law is, that "the rails shall weigh not less than fifty-six pounds to the lineal yard." And the provision is in general terms, that "no expenditures shall be required merely for the purposes of ornament, *but the work shall be substantially performed.*" The \$650,000 is to be loaned towards "the whole

of the graduation, masonry, bridging and superstructure of the unfinished portion of the road east of the Tunnel." And the scrip is to "be delivered on the road, in the proportion the value of the work done, bears to the estimated cost of the whole work and materials required on the portion of the road aforesaid." The issue of scrip is made dependent on the certificate of the State Engineer, who "shall monthly, immediately after the first day of each month, estimate the proportion which the work done upon the road since the preceding estimate, bears to the whole of the work required to be done in the graduation, masonry, bridging, and superstructure of said railroad east of the Hoosac Tunnel." It becomes, therefore, the duty of the engineer to make the following inquiries, monthly, viz. :—

How much work remains to be done and material to be furnished in order to complete this piece of road in a *substantial* manner ?

How much has been done during the last month for which I am now making an estimate ?

How much of the State loan of \$650,000 remains to be advanced ?

A proportion stated on these principles will ascertain the amount of the monthly issue for which the Engineer is to make his certificate.

Of this whole amount (\$650,000) \$455,235.92 has been advanced, leaving \$194,764.08. In the month of July last the contractors on the road suspended work, and have not resumed it ; so that no issue since that made on the certificate of July, has been required. This suspension was in consequence of the dissatisfaction of the contractors with the finding of the Engineer, by which he estimated the cost of finishing the road in a substantial manner, at a sum larger than that of the previous Engineer. He included therein the sum of \$97,035 for finishing the bridges, taking out slopes which he found too steep, filling up trestle-work, protecting the banks from the rivers, &c. ; which had not been previously included in the estimate. I do not understand that any question was made as to the correctness of this estimate in its amount ; but it was denied that these items should have been reckoned into the account at all. It was contended that the road could be put into running order and would be run a long time before this work would need to be done ; and that economy required the early running of the road, after which, from the earnings of the road these things could be done and paid for. Whether this was true or not, was not deemed to be a question for the State

authorities; while it was a very proper one for a railroad company, constructing its road, and having the means to build its stations, and to buy its rolling stock, equipments, &c. But, if the work in question was necessary to the completion of the road in a substantial manner, it was not seen how the State scrip could be issued upon any expectation of what might be done in the future, but only on the fact of what had been done already. It was the duty of the Engineer to require the road to be ordinarily well built, according to the existing standard of good work in similar locations, constructed by competent engineers at the present day. And the governor had no right to issue scrip without the Engineer's certificate. The opinions of the Engineer being called in question, it was deemed proper to subject them to careful examination; since if he was found to be mistaken, and unwilling to correct them, another Engineer could be appointed in his stead. To my own mind the questions were entirely new. They pertained to the science of civil engineering applied to the construction of railways;—and could be best answered by those skilled and practiced in that knowledge. Accordingly, a large number of experienced and skilful railway engineers, managers, and experts, were summoned by the Governor and Council, examined by them, and by the present State Engineer and his predecessor. Their testimony confirmed the opinion of the State Engineer. The testimony and the decision given by the Governor, both phonographically reported and in print, I have the honor to lay before the General Court, with a similar report of a prior investigation before a committee of three members of the Council.

No question arose relating to the tunnel, but the work upon the tunnel, as well as upon the road east of it, was discontinued by the contractors. It is proper to observe that if the decision of the Governor is subject to any criticism, it must be borne by him alone, since no question was reached proper to be submitted to a vote of the Council.

A large quantity of railway iron included by the Engineer in his estimate, and therefore covered by the scrip issued on his certificate of June last, it is now alleged had not been delivered to the company; and it is now claimed by carriers, under their lien for freight, and is under attachment in three suits for its purchase money. The suits are pending, and the interests of the Commonwealth are under the care of the Attorney-General.

I regretted encountering any questions connected with this subject. It has involved a great deal of interest and

feeling, and has largely entered into the legislation and somewhat into the politics of the State. The question which in fact arose, however, was eminently and simply a practical one; and it was necessary to be governed by the law as the legislature had made it, and by the facts as they were found to exist. The subject is now before the General Court, where the law will receive alteration if it is found to require any. The suspension of the work on the railway, it is thought by many, will cause injury to the road, by means of the action of the frost and freshets, while it remains incomplete. This point will require your early attention. As the law now stands, the State authorities cannot interfere; and I understand the railway company does not.

It becomes important for the General Court to decide what measures, if any, are necessary to protect the interests of the Commonwealth in a public work to which it has already loaned its scrip to the amount of \$725,388.88, and has paid, up to October, 1861, interest to the amount of \$18,093.34. The grand enterprise of tunnelling the mountain must either be abandoned or suspended, or the Commonwealth must take the business in hand, and adopting a policy at once simple, plain, effectual, and decisive, put it beyond such contingencies, and ensure both economy and success.

For the present condition of the road and tunnel, and the progress of the work, or both, I refer the General Court to a recent communication from the State Engineer, which contains the most authentic and compact statement in my power to impart.

The following table exhibits the amounts of State scrip loaned to the road from the time of the first issue, of which amount it will be observed that more than \$250,000 has been advanced during the last year.

Sterling Scrip issued:—

Oct.	6, 1858, 51	Certificates, 1—51,	.	.	£22,500
Oct.	4, 1859, 26	" 52—77,	.	.	11,200
Jan.	3, 1860, 25	" 78—102,	.	.	11,300
Mar.	1, 1860, 16	" 103—118,	.	.	6,800
Oct.	8, 1860, 36	" 119—154,	.	.	18,000
Dec.	12, 1860, 53	" 155—207,	.	.	26,500
Jan.	5, 1861, 15	" 208—222,	.	.	7,500
Feb.	18, 1861, 14	" 223—236,	.	.	5,800
Mar.	7, 1861, 11	" 237—247,	.	.	4,900
					<hr/>
					£114,500
At par,					\$508,888 88

Federal Money Scrip issued :—

May 8, 1861, 27	Certificates, 1—27,	. .	\$85,500 00	
June 27, 1861, 75	“ 28—102,	. .	37,500 00	
July 12, 1861, 94	“ 103—196,	. .	93,500 00	
			<hr/>	\$216,500 00
				<hr/>
				\$725,388 88

And in addition to this sum, is to be computed also scrip to the amount of \$200,000, issued on May 4th, 1860, to the owners of the Southern Vermont Railroad for the purchase of the road.

HARBORS AND FLATS.

I had the honor, in addressing the General Court of 1861, to allude to the duty of watchfully guarding the Harbor of Boston against injury by encroachments, or by misuse of its flats and misdirection of its water. And I desire, at this time, in a more emphatic and direct manner, to invoke the attention of the Legislature to the subject of the preservation and improvement not only of the harbor of Boston, but of all the harbors of the Commonwealth.

The proprietary rights of the Commonwealth in the soil of the sea lying within its dominion, limited only by the Colonial ordinance of 1647,—imparting the right to the shore owners to extend one hundred rods, or to the channel,—is clear. Its title is that by virtue of which it owns all the lands within its bounds, whether under water, or above water, not granted away. The Legislature has the full title and the full power to control this property. The right to dispose of all flats thus belonging to the Commonwealth, is vested in the Legislature. The Commonwealth may, by the acts and at the discretion of the Legislature, cause or permit them to be excavated, or embanked, or otherwise disposed of. It may grant and convey them to others, limited, whether as to time, person, quantity, reason or consideration pecuniary or otherwise, only by its sense and judgment of the public welfare, in the exercise of its own sound, constitutional discretion. But, while I perceive no limit to the power of the Legislature to manage and dispose of these public lands, as well as any other public property, save that prescribed by its own judgment and discretion,—nevertheless, the preservation of all our harbors is a public trust of such peremptory necessity and such immeasurable importance, not merely to the seaport towns, but to the convenience, happiness, and prosperity of all the people, and the wealth and growth of every town and section, inland

as well as seaboard,—that this paramount obligation should always be first regarded in the disposition and management of the flats, especially when it is considered that the interests of private individuals lead to continued encroachments on the tide-water.

I respectfully suggest to the General Court the consideration of some general and systematic provision for the protection and preservation of all the proprietary rights of the Commonwealth in flats, or lands under the sea; and also the establishment of a careful, scientific and economical system for regulating the disposition of any such property whether by the extension of private wharves or otherwise, so as to avoid dangerous invasion of public interests by encroachment, and trespasses, and inadvertent grants; and also for surveying such flats, and offering them for sale, where it is proper to sell them, under appropriate restrictions and conditions; and providing also for the building of wet docks, and the making of other important harbor improvements,—to which purposes the net proceeds realized by the Commonwealth from the sales of such flats and lands should be dedicated.

In these suggestions, I do but repeat the ideas, opinions, warnings, and advice of many most eminent jurists, civil engineers, and far-sighted citizens, who have heretofore reported to the Legislature, in the capacity of commissioners of the Commonwealth and of committees of the General Court.

Nothing should be omitted to give unity and simplicity of plan and direction, to any interest of which the Commonwealth has the proper oversight. And in all that it does, it ought to study the resources of the wealth and power of the people, and the method of their best development, keeping in constant view, both the individual welfare of the citizen, and the strength, influence and renown of the State.

PUBLIC INSTITUTIONS.

The number of inmates of the various penal, reformatory, sanitary and eleemosynary Institutions, under the management of the Commonwealth, at the present time, is four thousand five hundred and thirty-two. The annual cost of their support to the State is more than \$400,000, exclusive of the interest upon personal and real estate in occupancy, which is estimated to have cost at least \$800,000. The number of officials attached to these institutions is not far from three hundred, to whom there is paid annually in

salaries the sum of \$75,000, in addition to board. There are also fifty-one inspectors and trustees, to whom is annually paid, in addition to contingent expenses and travel, the sum of seven thousand dollars. Thus it appears that an average of one official is employed for the care of every fifteen inmates, and one inspector for every ninety persons.

Excluding the cost of the support of the inmates of the State Prison, which institution is self-supporting, it follows that the average cost of maintaining the remaining number, is about one hundred dollars per annum, or two dollars a week, for each inmate.

The State Prison, with five hundred and fifty inmates, is in good condition, and its affairs are well managed. Its whole expenditure during the past year has been defrayed by the labor of the convicts.

The State Reform School, at Westborough, now numbers two hundred and sixty inmates, supported during the past year by an outlay of \$47,634, of which \$10,068 is charged for salaries. The boys are employed in the work of the farm and the house, and in the manufacture of chairs and shoes. They appear to be healthy, contented, and cheerful, and the duties of the superintendent who was appointed at the commencement of the last year, have been discharged so as to show a manifest improvement in the discipline and management of the Institution. I commend to your consideration the report of the superintendent, and especially his suggestion as to the obstacles in the way of making the Institution productive of the highest good, where young and comparatively guiltless youth are necessarily exposed to the contagion of evil example from those older and more reckless in crime.

The Reform School Ship, with its one hundred and fifteen boys, mostly from the Westborough Reform School, has, during the past year, developed the wisdom of the experiment, and I trust that further experience will confirm the entire practicability and usefulness of this novel method of rescuing the waifs of human society from the vortex of crime and dissipation to which they are exposed, and placing them at once in the track of usefulness and honor.

The number of patients at the Institution for the Insane at Worcester is three hundred and thirty-one, at Taunton four hundred and twenty-eight, and at Northampton three hundred and fifteen,—in all one thousand and seventy-four; and the aggregate cost of their support is \$180,000. At Taunton the number of patients is greatly in excess of proper accommodations, and it is found necessary to abandon in

great measure that 'appropriate classification' on which improvement and cure so essentially depend.

The three almshouses and the hospital at Rainsford Island contain at present two thousand three hundred and thirty-nine inmates, and these institutions are supported at a cost of \$150,000 annually.

At Monson, on the day of a recent visit, there were six hundred and forty inmates, of whom four hundred and fifty-seven were children under fifteen years of age. Of this latter class, one hundred and sixty had been recently transferred from the almshouses at Tewksbury and Bridgewater; which removal had involved, in many cases, a separation of families painful to contemplate. The alleged reason for such transfer, which has been customary since the Monson Almshouse was erected, is the better or more convenient educational facilities provided at the Monson institution; but whatever may be the reason, the fact itself suggests to every thoughtful mind, that such a system, based upon the severance of so many domestic ties, must be radically wrong, not only in the present, but in its future results upon old and young alike.

By a communication which I herewith transmit, addressed to me by the foreman of a recent grand jury in Middlesex County, you will perceive that a presentment has been made of the Almshouse at Tewksbury for insecurity in its construction and arrangement, and I commend the subject to your attention.

The Rainsford Island Hospital seems to be under good management, but its benefits are almost exclusively enjoyed by the city of Boston. The Commonwealth has already expended more than \$60,000 on the buildings connected with the institution, while its title to the land is believed to be not fully established.

The Industrial School for Girls, at Lancaster, the most recent of our reformatory institutions, has not reached that period in its history which would justify the statement that the experiment of its establishment is a success. But it is one of the most interesting of all our charities. The annual expenses of the institution are about \$12,000. The number of inmates at present is one hundred and fifty, who are divided into five families, each occupying a separate building under the immediate charge of a matron and assistant, and the whole establishment is under the control and direction of a superintendent.

Some persons experienced in the conduct of reformatory institutions for the male sex, have distrusted the success of

this institution, in accomplishing the purpose for which it was designed. Present circumstances are certainly favorable for a fair test of the question, but in the absence of precedents, and examples for comparison, time alone must determine. I believe it is capable of great results; that the family system there adopted is correct in principle; and that its reforming power has already been manifested.

The bounty of the State, which appropriates \$10,000 annually for the education and support of the deaf mutes of this Commonwealth, was shared, the past year, by about eighty children of this unfortunate class. They are well and wisely cared for, and in addition to the rudiments of a common school education, both males and females are graduated with a knowledge of some useful trade or handicraft, by which to gain an honest livelihood.

The number of inmates of the Institution for the Blind averages from one hundred and ten to one hundred and twenty, of whom from seventy to eighty are placed there by the authorities of the Commonwealth, as a public charge. The policy of the Institution is to receive all proper applicants, train them for some occupation, and then find them opportunity to use profitably whatever skill they may have acquired. About twenty-five blind adults are, on the average, employed at the Institution, on wages. Many others are established in country towns, earning a living by some handicraft. Very many become teachers of music. And even such as are returned to their families, and not sent into the world for a livelihood, are not only more cultivated, mentally, than they would have been without the training they received there, but more active, also, and industrious. The general effect of the Institution, especially by the sending into the community of so many blind persons trained to work, is to stimulate all the blind, and lift them out of the class of the idle and unprofitable; and its example has done much to encourage similar undertakings in other States and countries.

At the Institution for Idiots, the average number is about eighty, and of these, Massachusetts furnishes about fifty, all of them indigent. To some persons, misled by the name of *school*, the results of the Institution may not correspond with their unreasonable expectations that idiots, as a class, can by any process of discipline, be transformed into persons of average or superior intelligence. But the general effect of the Institution is really gratifying. All its inmates are bettered in some way; a few are kept from sinking into the class of idiots for life, for whom such a fate would otherwise

have been inevitable; and the results of culture and instruction are the same here as elsewhere, though from the nature of the material they are less obvious; the trained and cultivated idiot is quiet, docile, and industrious, while the idiot who is neglected, tends surely to brutishness. Industrious habits are enforced as the desirable object, rather than skill in school exercises. Trades have been introduced. Many girls are prepared for a considerable degree of usefulness, as housemaids, most of whom would certainly have been degraded and ruined if left outside the Institution, of which certainly the condition of idiot women in the State almshouses affords an illustration; several boys and girls have made such progress, that they are now capable of being useful in farm labor or domestic work, if proper families could be found in which they could be placed; and generally society has been bettered by this Institution, for it withdraws from the community the presence of many, who, being themselves abandoned and brutalized, would otherwise, by an invariable law of nature, have tended to demoralize society around them.

To these institutions and the support of the inmates, for which the people without regret devote nearly half a million of dollars annually, must be added, in the category of penal establishments, the several houses of correction. These, however, are supported and controlled by the counties. But it is a consideration I cannot avoid mentioning, that, while a person for the same offence may, in a large number of cases, be sentenced in the discretion of the courts to the State Prison, or to a house of correction or a jail, he will only in the first alternative be subject to a prison discipline of which the State under whose laws he is condemned, maintains the oversight. Thus prison discipline as a science, gains nothing from all the mass of experience of which these prisons are the repositories, nor does any thing learned at one of them, accrue to the benefit of the others.

I had proposed, in assuming these official duties for the first time, to devote myself to careful observation of our system of managing and dealing with the various exceptional classes, whether of crime, poverty, or misfortune. But I have not been able to do so. Commanding duties have left time only for the most superficial examination, and for but little and rude reflection.

I am satisfied, however, that with all the good these institutions accomplish, and all the suffering and evil they prevent, they will require in the future a more systematic control. The annual visits of the governor and council

are of but slight advantage. They give, and can give, no intelligent direction. They can only help prevent or cure flagrant abuses. But where is the intelligent, educated body of experts and learned philanthropists and practical thinkers, to supervise this mass of human nature, in which the laws of either physical or moral being, or of social order, are broken, or awry? Who is there to analyze and sift out the knowledge that lies buried in the mass of statistics which contain the dry bones of each year's history? Who knows, beyond a certain range, whether the administration of all these institutions is really going right or wrong,—having reference to the advancement of society, and the real good of its unfortunate members?

There ought to be some person or board, whose business it should be to observe carefully, constantly, critically, with heart, mind, and eye; to compare from year to year what is done here and what is done elsewhere; to think out, and write out the scientific and practical directions of this comparative observation and experience, for the consideration of the people and the government.

I do not speak in the spirit of criticism, but simply of conservatism. I believe in knowledge and its uses; and that it does not come by accident or neglect. These public institutions, are, so far as I have been able to observe, better than I had supposed. We are fortunate in those who preside over them, and I cannot too thankfully applaud the wisdom and humanity which especially distinguish the administration of our retreats for the Insane. There, as in the School for the instruction of Idiots at South Boston, which is patronized by the State, we find the fruits of patience, learning, and humanity; and the saddest inflictions endured by our poor human nature, we see alleviated by the wise and kind intelligence of the "leech," who has learned the art, by which he can

"minister to a mind diseased,
Pluck from the memory a rooted sorrow,
Raze out the written troubles of the brain."

I am obliged, however, to confess that the statutes of the Commonwealth regarding the Insane, and the legal proceedings to be had for inquiring into and adjudicating upon cases of insanity, and regulating admissions into the State hospitals, and concerning insane prisoners, are defective by reason of incompleteness, inconsistencies, and contradictions, and need thorough redrafting, simplification, abridgment, and alteration, without which they must remain behind both the

humanity and the intelligence of the age. In revising the General Statutes these laws, passed at different times, with different purposes, and without systematic method, were brought together, but were not amended. The business of the revision was not thought to include that of amending, but simply of arranging the statutes as they were found; and therefore in this instance the revision serves to make more apparent the need of new legislation.

CRIMINAL COSTS AND PROCEDURE.

The subject of criminal costs, which has recently attracted especial attention, still challenges our care. They are still excessive, owing, in part, to the fact of the freedom with which prosecutions of no public utility may be promoted, and in part to the character of criminal proceedings. The payment of trial justices by salary, requiring all their fees to be paid into the public treasury, the bringing the subject home more nearly to the people, by charging the costs of prosecuting minor offences upon the towns instead of the counties, and practicing greater care in the creation of new and artificial offences, somewhat abundant in modern legislation, would all tend to diminish costs by limiting prosecutions. And a reform in our criminal pleadings and procedure might well be inaugurated, which, by simplifying the pleadings, reducing the opportunities to criminals of escape through technical and formal accidents, and discouraging frivolous exceptions, would prevent mistakes, expedite judgments, and promote justice. It would be interesting, and if time would permit me, it would be instructive, to expose some of the peculiar infelicities of the ancient methods of criminal pleading; from which the statute commonly known as "Lord Campbell's Act,"—since substantially adopted in Pennsylvania, and some of the provisions of which were anticipated here—extricated the English practice some ten years ago. These illustrations, however, would readily occur to an intelligent committee in exploring our system and its operation. I respectfully recommend the investigation, with the single remark that many of the decisions, which, passing into precedents, have controlled the judicial mind, seem to mark the struggles of humanity in the hearts of the judges to escape the consequences of cruel and sanguinary penal laws. What society needs is parental and not tyrannical government,—firm, serene, and just, executing judgment without long delays, and with no uncertain aim, with penalties merciful and proportionate.

THE DEATH PENALTY.

I deplore the presence of the penalty of death still lingering on the statute-book of Massachusetts. Gradually receding in civilized legislation, as needless and dangerous, corrupting to some persons, and shocking to others, years of study and reflection confirm the opinion that it must certainly disappear from the category of penalties inflicted by the best ordered and most refined commonwealths. A natural method to the wild justice of the ruder forms and stages of society,—a hard necessity sometimes in the code of war,—it erects the gallows in a community like ours, only as a horrid spectacle, searing the imagination and haunting the dreams of the sensitive; an intrusive reminiscence of more barbarous times; while it suggests to the hardened in crime only another disease, by which nature may one day pay its inevitable debt to mortality.

EDUCATION AND SCHOOLS.

In casting our eyes over the resources, the industry, and the institutions of the State, we are struck by the idea of permanence, intelligence, and power they, in their combination, suggest. Nor is there any circumstance more worthy our admiration than the sturdy and triumphant will, with which, in spite of all the distractions of extraordinary military necessities, the people and their children stand by their schools, colleges, and all the instrumentalities of learning. In Massachusetts I am advised that the Teachers' Institutes were never better attended; that the interest in our common schools was never more genuine; and this is true also of other States whose people, like our own, have been most ready to meet the calls of war.

Let us never forget our nurseries of learning, the strength, the solace, the inspiration of a people. Rich with the spoils of thought, great in ideas, powerful by the possession of knowledge, and the education of the mind, happy in the possession of fields no enemy can dispute, and treasures no ravage can destroy—such a people, in the fear of God and the love of man, are immortal as the nature they inherit, and grand as their destiny.

THE NORMAL SCHOOLS.

The annual appropriation for our four Normal Schools, of \$14,500, is found inadequate for their actual wants. The school fund is increased already by more than fifty thousand dollars, from proceeds of the Back Bay lands, one-half of

the income of which, or \$1,500, if appropriated to these schools, would relieve their wants, and it is, with the concurrence of the Secretary of the Board of Education, respectfully recommended to be done.

MARRIAGE AND DIVORCE.

I desire most respectfully to renew a recommendation which I had the honor to make to the Legislature of the past year, for such a modification of our laws touching marriage and divorce as shall lodge in some tribunal, the power to mitigate the penalty of celibacy as a consequence of divorce, whatever may have been the cause of the dissolution of the marriage. This penalty is inflicted under certain circumstances as a consequence of a civil adjudication, in which the rules of procedure essentially differ from those of a criminal trial. So long as human instincts and passions continue, I believe that this infliction as a consequence of civil proceedings for divorce, without leaving a hope for its ultimate remission either by the same tribunal by which it was awarded or by some other, is detrimental to the good morals of the community, and discreditable to our knowledge of human nature.

BOARD OF HEALTH.

The Boston Sanitary Association, the American Statistical Association, and the Massachusetts Medical Society, have all heretofore petitioned the General Court to establish "a Board of Health and Vital Statistics." The subject stands referred to the present Legislature, and the general views of the petitioners, with many illustrations of fact and reasoning, are clearly set forth in the petition of the Boston Sanitary Association, printed with House Documents of 1861, [House Doc., 112.] It was ably supported by the report of the joint committee to which it was referred, which deserves the perusal of every legislator of the Commonwealth, for its practical and comprehensive wisdom; and I earnestly hope its views may be thoroughly examined, and its objects finally approved by the General Court.

THE RHODE ISLAND BOUNDARY.

I transmit to the General Court, the final decree of the Supreme Court of the United States, in the suit between this Commonwealth and the State of Rhode Island; terminating the ancient controversy of boundary, now thereby adjusted on the basis of the conventional line, conformably

to the agreement of the parties litigant. And I trust nothing will hereafter arise to disturb their mutual peace, and that both the States will be found beneficent and impartial governments by those citizens each has acquired from the other.

THE CONCORD AND SUDBURY MEADOWS.

I shall transmit also the report of Daniel W. Alvord, Charles S. Storrow, and J. Herbert Shedd, appointed Commissioners under the 154th chapter of the Acts of 1861, to conduct certain surveys and experiments on the Concord River, and to report thereon. The Commission seems to have been executed with great labor and care. Its report is in full detail, illustrated by an ample map, and plans,—and will, I think, be found a complete and satisfactory repository of the scientific truth sought through its agency.

The conduct of the investigation required the constant services of many persons employed to observe its experiments, and otherwise to aid the Commissioners. Those employed were all, or generally, persons of humble means, working at low daily wages, and unable to maintain themselves unless paid at brief intervals. By some inadvertence no appropriation was made to meet these expenses, and it was only after the Commissioners had incurred them to considerable extent, that the points came to my attention. The practical question then arose, shall these accounts be laid over until another session of the general Court, to the great injury of those employed, and the work of the Commission be suspended, to the great injury and disappointment of all the parties interested in the Meadow and Dam controversy, for want of the means to pay them?

With the consent of the Council I decided not to permit such a disaster, and assumed the responsibility of meeting these necessary current expenses out of the "Emergency Fund," and the warrants drawn for that purpose amount in all to the sum of \$2,481.49.

The accounts were first examined by a committee of the Council, and proved reasonable in their judgment, as well as that of the Commissioners.

Pursuant to the provisions of the same Act, the Commissioners awarded damages in favor of three several parties claiming them, to the amount of \$4,378.87.

AGRICULTURE.

The agricultural interests of the Commonwealth have been highly prospered during the past year. Their products

are estimated as exceeding thirty-two millions of dollars. The season was propitious and the crops with few exceptions were abundant and profitable.

The Exhibitions of the Agricultural Societies as a whole, were more complete and attractive than ever before, while the interest manifested in them by the large attendance of people, was never excelled. Under the encouragement of the Commonwealth, the smaller and feebler societies are gradually placing themselves upon a more permanent and useful basis, and it is believed that if the present fostering care is continued, they will, within a reasonable length of time, attain a degree of strength and prosperity which will make them self-sustaining and self-reliant. Notwithstanding the poverty of her soil, in contrast with that of some of her sister States, the agricultural interest of Massachusetts is one of the most important; and the great and rapid development of her resources, through the growing intelligence of her husbandmen, as shown in recent years by the increase of farm crops, the improvement in the breeds of domestic animals, the production and culture of new varieties of fruits, all confirm the wisdom of that legislation which has encouraged the formation of societies for Agricultural improvement, by the bounty of the State.

Many additions have been made to the State Cabinet during the year, and the interest manifested in it by the large and increasing number of visitors from day to day, shows clearly the practical value of the collection in developing a fuller appreciation and knowledge of the Natural History of the Commonwealth.

The State Board of Agriculture, sensible of the importance of having the elements of agriculture taught in our common schools, made arrangements with Messrs. George B. Emerson, and Charles L. Flint, to prepare a text-book or Manual of Agriculture, comprising and presenting in an elementary way the principles and practice of this art, including the composition of soils, and manures, the preparation of lands, the culture of special crops, the principles of rotation of crops, the diseases and enemies of growing plants, the choice and management of farm stock, and the general economy of the Farm. This work has been executed so as to meet the approbation of the Board, and their recommendation of it as adapted for use in the schools of the Commonwealth. I trust it will serve to help increase an intelligent interest in farming, and develop the productiveness of this fundamental pursuit of industry.

An undue proportion of the soil of our Commonwealth is unused for any profitable purpose. This is in part owing to following the local traditions, instead of studying the secrets of nature, and extracting her truth. Much land now wasted might be used for the growth of wood and timber, yielding a crop once in twenty or thirty years, without much labor in its care; and farms now of little profit might become profitable by the proper methods of adaptation, and the skill to diversify their cultivation. Fruits, vines, and various branches of gardening, may be largely cultivated by those whose main pursuits are in-doors and sedentary. And might not the study of nature awaken a taste for horticulture, and the like, in our boys and girls at school, the results of which will be seen, not alone in the larger business of regular farming, but in a thousand humbler ways, adorning the village, the wayside, and the cottage home with beauty, giving freshness to many jaded minds, besides increase of health, industry, and wealth?

FLOWAGE.

The subject of flowing our low lands and meadows under the operation of the "Mill Act," has also engaged the attention of the Board of Agriculture. Rights already acquired thereunder are not subject to disturbance by its modification, or repeal, but in the belief that the Act has long outlived its usefulness, I respectfully recommend its consideration to the Legislature.

The tendency of thrift, economy, and sound policy is towards general and systematic drainage, not towards the drowning of the most valuable lands. Rude and poor farming is the usual lot of pioneers. It was true of those of New England. They gradually moved down from the more barren hill-tops to the meadows and richer lands, where capital and labor, wisely expended, are at first absolutely needed, but where the ultimate return is large and ample.

In this connection I desire also to call the attention of the Legislature to a measure of justice and public utility which will restore to cultivation many acres of the richest and most productive lands in the State. There are in nearly every section of the Commonwealth, ancient mill-privileges under which the right exists, and has existed since the first settlement of the country, to flow back upon the lands adjacent to the streams which supply them. Many of these privileges are neglected, and have been unused for years, but still the dams remain, rendering all attempts to redeem for cultiva-

tion, the lands above, of no avail. There should certainly be some limit to the period when exclusive rights, originally conferred upon individuals for the common good, and which, under the changed circumstances of the present time, serve only as instrumentalities of oppression, and to retard the development of enterprise in the cultivation of the soil, should again revert to those proprietors of lands by whom they were originally yielded. Whether provision should not be made by statute limitation as to the time when all such unused and neglected mill-privileges should become invalid, is worthy of your consideration.

HARRIS ON INSECTS INJURIOUS TO VEGETATION.

The third edition of Harris on Insects Injurious to Vegetation, published under a Resolve of the year 1859, chapter 93, has just been completed. This edition of a work, of which the first was published in the year 1841, has been enlarged by suitable additions and illustrations, and is nearly ready for delivery. Extensive collections of insects were made, in order to have fresh specimens for use in making the drawings, which were supervised by Professor Agassiz by comparison with the original specimens, before engraving.

This is a work of great beauty and careful learning, and is fitted for much usefulness, if properly and wisely distributed. I ask the attention of the Legislature to that part of the Resolve of 1859, which provides for a partial distribution. The whole subject is in the control of the present Legislature, and I venture to suggest that a work, the actual cost of which to the State is nearly three dollars a copy, and which will not be reproduced for another twenty years to come, should be given away only to those by whom it is likely to be prized for its scientific uses.

The Resolve provides for giving a copy to each member and reporter of the Legislature of 1859, by which it was passed. But this is a subject open to the revision of the present General Court.

DISTRIBUTION OF STATE DOCUMENTS.

In this connection I suggest the expediency of providing by law a definite and complete system of distribution of public documents, prescribing in one statute the persons to whom each document regularly printed by the State shall be given, and the number of such documents which such persons shall receive. The present system is very imperfect and obscure, depending in great part upon ancient Resolves

of the Legislature, scattered through fifty years of legislation, and has come practically to depend in a considerable degree upon the personal discretion of the officers having such documents in charge.

COLONIAL RECORDS AND PROVINCIAL LAWS.

The twelfth volume of Records of the Colony of New Plymouth has been issued during the present year, forming the tenth bound volume of the series. Sufficient material for two more volumes has been transcribed, and is ready for the printer, and I am informed that seven volumes in addition to these two, will complete the series, and that more or less progress has been made upon them all. The historical importance of ensuring the preservation of these records was well stated by the committee of the Legislature of 1855, upon whose recommendation the publication of them was commenced; and of even superior importance in every point of view, is the preservation by publication, of the Provincial Statutes of Massachusetts covering a period of nearly a century, from 1691 to 1780, the only complete collection of which in existence has been gathered in one private library in the Commonwealth, and is subject to all the risks of loss, destruction, and dispersion, to which private property is necessarily liable. In my Inaugural Address to the General Court of 1861, I had the honor earnestly to recommend the printing of these statutes, and I desire earnestly to repeat that recommendation.

REFORM IN PAY AND WORK OF STATE EMPLOYEES.

Observation during the past year has satisfied me that there exists great inequality between many of the servants of the State,—and particularly among the clerks in the various departments,—in respect to pay and work. There are some whose hours of necessary labor have been twice those of others, and whose work required a higher degree of intelligence, but who, nevertheless, have been inferior to these others in respect to pay. It is true that the past year has been exceptional in its character, and does not afford a proper standard for the permanent adjustment of pay to work for the future; but the present anomalous condition of business is likely to continue through at least the year which lies before us; and I think that the whole subject is one proper for legislative investigation with a view to devise a remedy adapted to the facts.

MINISTERIAL OFFICERS—THEIR COMMISSIONS AND FEES.

I desire to renew the recommendation of a previous Executive, that the official term of Justices of the Peace be shortened, and that a payment of five dollars be required for each issue of a commission to them and to certain other officers, such as Notaries Public, and Commissioners for Massachusetts in other States, whose ministerial acts are legally compensated by fees.

The number of Justices of the Peace at present in commission is 6,790, and of Notaries 486, distributed as follows among the Counties:

COUNTIES.	Justices of the Peace.	Notaries.
Barnstable,	185	34
Berkshire,	388	24
Bristol,	452	52
Dukes,	30	19
Essex,	694	73
Franklin,	259	12
Hampden,	348	34
Hampshire,	263	20
Middlesex,	939	48
Nantucket,	27	9
Norfolk,	594	24
Plymouth,	398	23
Suffolk,	1,443	71
Worcester,	770	43
Totals,	6,790	486

The aggregate of Commissioners for Massachusetts in other States, who have qualified under their commissions and whose terms have not expired, is at present 135.

The labor of supervising these appointments is very considerable, and in respect to Justices and Notaries, is

necessarily transferred by the Governor in great part to the members of the Executive Council, each for his respective District. It seems worthy of inquiry whether the public convenience really requires so extraordinary a number of Justices of the Peace; but the term of their commissions being for the long period of seven years, it would be impossible for a Governor within his own executive term of a single year, to effect any essential change in this particular; and indeed the custom of issuing commissions so freely is of such long standing as to interpose additional obstacles to the restriction of their number.

But considering the labor which these commissions impose upon the department especially of the Secretary of the Commonwealth, and considering also that they afford means of pecuniary emolument to those who hold them, it seems not unreasonable that their issue should be compensated and restricted in the manner proposed.

THE GOVERNOR'S SECRETARY.

My experience has fully justified the resolve adopted by the last General Court, upon the recommendation of my predecessor, for the appointment of a Private Secretary to the Governor, and indeed, when I review the year, it is difficult for me to perceive how the necessary labor of my department could have been accomplished without such assistance. The mere statement that the number of letters addressed to the executive on business more or less of an official character, has averaged more than a thousand per month, and for some months has exceeded two thousand, a large proportion requiring attention and reply, is sufficient to indicate in part the necessity of such an officer. The year, to be sure, has been exceptional in the character and amount of the labor of the Executive, but I have had reason to perceive that the office would have been of public advantage if it had earlier been established, for on assuming the duties of my present position, I was surprised to recognize the fact that no copies whatsoever of any communications to or from the Executive of the Commonwealth, had ever been preserved among the official State papers, except such as had passed into the hands of the Secretary of the Commonwealth in his official character of custodian of the records of the Governor and Council, or had been referred to some one of the Departments, or transmitted to the General Court. When the history of our country during the present century is considered, many events in which, in their relation to this

Commonwealth, might have been illustrated more or less, by the preservation of such correspondence and documents, it is a matter of regret that hitherto no care has been had in this regard.

For several months I have had to avail myself of the aid of an assistant secretary in the military department; nor have the possible hours of work in the whole twenty-four hours of the day, been more than enough. As soon as the public service will permit, I shall discontinue this assistance; but, at present, it cannot be dispensed with, unless we leave undone many details of business to the inconvenience of the people.

THE EXECUTIVE APARTMENTS.

In this connection I beg to call attention to the defective arrangement of the suite of rooms assigned to the Executive in the State House, with special reference to the entire absence of proper facilities for ventilation. In their present condition, they are inconvenient and unhealthy.

PREPARATION OF LEGISLATIVE BUSINESS.

One of the desirable things often spoken of, less often accomplished, is the prompt disposition of the legislative business, the necessary condition of short sessions, which are, in their turn, the condition on which our ablest citizens are willing to become members. But this seems greatly dependent on an early and perfect preparation of the public business. If an early fixed day, common to all the departments and bureaus of the State, was adopted as that on which all their books and affairs were to be annually closed, and their reports made up, and were those reports placed in proper hands,—for example the bank abstracts into those of the Bank Commissioners, the railway returns, of a State Surveyor, the reports of the different penal, charitable, and sanitary institutions into the hands of the secretary of a central board,—all these crude materials might be reduced to order by just, cautious and skilful analysis, abstracted, tabulated and reported upon, printed, and laid on your tables at the beginning of the legislative term, to the manifest advancement of the business of the General Court. I hope this may yet be accomplished.

MILITARY DEFENCES.

A letter dated at Washington, on the 14th day of October, was addressed by the Department of State to the Governors

of all the States on the seaboard and the lakes, suggesting that it is necessary to take every precaution to avoid the evils of foreign war, in view of the fact that disloyal citizens, even before the present insurrection had revealed itself in arms, had hastened to foreign countries to invoke their intervention for the overthrow of the Government and the destruction of the Federal Union. The Secretary of State does not fail to urge with emphasis that one of the most obvious precautions against foreign war, is that our ports and harbors on the seas and lakes should be put in a condition of complete defence. In behalf of the President of the United States, he therefore invited the attention of this department to the subject of the improvement of the fortifications and defences of Massachusetts, and asked that the subject should be submitted to the consideration of the Legislature, when it should assemble, with the added suggestion that proceedings by the State would require only a temporary use of its means, and that the expenditures ought to be made the subject of conference with the Federal Government.

I availed myself of the earliest occasion to visit Washington, and to confer with the distinguished head of the bureau of Engineers, whom I knew to be intimately familiar with our coast, and with the system of defence appropriate to its condition and wants. The interview and subsequent correspondence lead me to the opinion that certain fortifications, both on our Northern and Southern shores, unless immediately taken in hand by Congress, ought to be undertaken by the Commonwealth, acting in concert with the United States Government, advancing its own means, employing the capital, skill and industry of its own citizens, working under the supervision of the head of the bureau of United States Engineers, following his instructions and plans, and receiving from the Government of the United States the national bonds to cover the expenditure, which, exclusively of the guns, would involve an estimated cost of \$400,000. I have the honor to lay before the General Court the letter of the Secretary of State, already alluded to, and a very recent letter received from General Totten, of the Engineers, for this purpose, in which last communication is contained a brief, but clear and instructive statement of the condition of our harbor defences. The permanent fortifications proper in Boston Harbor will probably need no assistance from the Commonwealth, but promise to be followed up to completion by the Federal authorities.

The communication of General Totten establishes the fact of the purposes of his own department, and we are enabled to see for ourselves what has already been done. I am assured also by General Ripley, the head of the Ordnance Office at Washington, that in addition to the guns already mounted, and those the Government is engaged in mounting, of which there are a considerable number now on hand, it has adopted all possible means to obtain the additional cannon and carriages required to complete the armament, which will proceed as fast as procured, and that a portion of this armament will consist of rifled cannon in the positions requiring artillery of that kind.

The harbor of Provincetown possesses certain features of interest peculiar to itself. Of ample depth for all purposes, a shelving, sandy shore, accessible in all weathers without a pilot, and with an anchorage in which whole navies might ride in safety, its arm stretched far out into the sea, it seems adapted to be the base of naval operations along the whole coast of New England. I believe there is not a place so easily taken from us, and worth so much to an enemy, when taken, as Provincetown and its harbor.

In the hands of an enemy it would harass our commerce as it did in the last war with England, and would be a secure and tempting haven. The situation of that harbor at a point remote and not suddenly accessible by land from the populous portions of the State, has another military significance. Without means to throw a large force suddenly into the place, it would require a large garrison in constant occupation. With a new railroad to strike the main artery of travel at Yarmouth, a substantial fort with a much smaller garrison, would hold it. Besides, it is said that the harbor of Provincetown is yearly endangered by the inroads of the sea upon its beach. Might not a road bed be easily so constructed as to serve at once as a rail track and a dyke or ocean barrier? It is worthy your consideration whether the loan of some aid to such an enterprise would not diminish the expense of a strictly military work and the cost of its garrison, while it would benefit industry and strengthen the people in peace as well as in war.

To whatever work of patriotic duty they are called, the *People* will come. There are those now among us and still ready to serve the country, who remember in the War of 1812, the thousands flocking down, some even from beyond the county of Worcester, each man with pick or shovel on his shoulder, and each town or parish headed by its pastor armed like the rest, to labor on the forts and defences of

Boston. The People, if need be, could come themselves and wall up our coast with the masonry of war.

The Vineyard Sound is the great highway of our coastwise commerce. Ninety thousand vessels, of all sizes, have been counted as passing Gay Head Light, in the course of twelve months. Without means of defence, a blow might at any time be struck there, involving a great loss of property, which the people of other States would feel not less deeply than would our own citizens. It is estimated that at least thirty thousand vessels annually seek shelter in the various ports of the Sound. In addition to the fortifications existing and intended for the harbor of New Bedford, there is needed a United States armed steamer, cruising about that harbor, the mouth of Buzzard's Bay, and the Vineyard Sound. If attached to the revenue service, the same vessel might be usefully occupied for the Treasury Department, and in watching over a large portion of our whole coasting marine.

Besides the permanent fortifications, we need rifled cannon, with their appurtenances, for movable ordnance and temporary batteries, at suitable points. For these batteries companies of militia could be raised, with corps of riflemen attached. Such defences can be speedily prepared, and can be indefinitely extended.

So, also, there are wanted, to be kept at hand for instant use, rifled ordnance and projectiles, for sea service. Never may the mercantile marine of Massachusetts, and her gallant and hardy sailors and fishermen, be obliged to creep defenceless home, to wear away their lives ignobly at a foreign menace of our flag! Let the State be ready to arm two hundred merchantmen and extemporize a navy auxiliary to the national army of the seas, and let the national ensign rise to kiss the breeze wherever it fans the ocean,—protected by brave hearts and brazen peace-makers.

THE MILITIA.

Military education, both in the militia and in connection with the earlier training of the seminaries of learning, and the establishment of a school within the State taught by professors of military science, are all subjects deeply engaging the minds of the people.

It is to be hoped that Congress at its present session will adopt some comprehensive National plan of militia organization, requiring all men within certain ages to make it a point of honor and duty, to instruct, strengthen and recreate

themselves by that reasonable training, desirable to prepare the citizen to shoulder the musket at any crisis of public danger or disaster.

I venture to recommend that our own militia should be brought to the highest perfection possible by legislative encouragement. Can it be regarded as due to the momentous possibilities of the future, or just to the people, that less than twenty-five thousand men, fitted and furnished to be mobilized in a week, should constitute an active militia?

The whole number of our enrolled militia is one hundred and fifty-seven thousand four hundred and ninety-six. The whole number who have gone into the volunteer service of the United States is reported by our Adjutant-General as twenty-seven thousand two hundred and seventy-five. About eleven thousand more are estimated to be in the naval service, as sailors and marines, leaving one hundred and twenty thousand at home, besides those men capable of the ordinary duties of civil life, not included within the prescribed age for military enrolment.

I beg leave to communicate a report made by a gentleman of the military staff, who fully appreciates the importance of this subject, and has given much study and examination to the matter of military education as it is elsewhere conducted. It is too thorough to be reserved only for private uses or to be embodied in this Address.

Confessing to myself the deepest obligation to the several gentlemen of the general and personal staff, to which the Commander-in-Chief of the State militia is entitled,—including those added during the last year under the authority of recent legislation,—and in view of the arduous and increased military duties, it would be unjust were I to omit a public and cordial expression of gratitude, and an emphatic recognition of patriotic and intelligent service to which whatever efficiency there has been in the work of the year is mainly due.

OUR NATIONAL CAUSE.

The ultimate extinction of human slavery is inevitable. That this war, which is the revolt of Slavery, (checkmated by an election and permanently subordinated by the Census,) not merely against the Union and the Constitution, but against Popular Government and Democratic Institutions, will deal it a mortal blow, is not less inevitable.

I may not argue the proposition; but it is true. And, while the principles and opinions adopted in my earliest manhood, growing with every year in strength and intelli-

gence of conviction, point always to the policy of Justice, the expediency of Humanity, and the necessity of Duty, to which the relations of our Government and People to the whole subject of Slavery form no exception, so that I have always believed that every constitutional power belonging to the Government, and every just influence of the people ought to be used to limit and terminate this enormous wrong, which curses not only the bondman and his master, but blasts the very soil they stand upon,—I yet mean, as I have done since the beginning of the “Secession,”—I mean to continue to school myself to silence. I cannot suspect that my opinions, in view of the past, can be misconceived by any to whom they may be of the slightest consequence or curiosity. Nor do I believe that the faith of Massachusetts can be mistaken or misinterpreted. The record of her declared opinions is resplendent with instruction, and even with prophecy; but she was treated for years as the Cassandra of the States, disliked because of her fidelity to the ancient faith, and avoided because of her warnings and her testimony. And now, when the Divine Providence is leading all the people in ways they had not imagined, I will not dare attempt to run before, and possibly imperil the truth itself. Let him lead to whom the people have assigned the authority and the power. One great duty of absorbing, royal Patriotism, which is the public duty of the occasion, demands us all to follow. Placed in no situation where it becomes me to discuss his policy, I do not stop even to consider it. The only question which I can entertain is what *to do*, and when that question is answered, the other is what *next to do* in the sphere of activity where it is given me to stand. For by *deeds*, and not by *words*, is this People to accomplish their salvation.

Let ours be the duty in this great emergency to furnish, in unstinted measure, the men and the money required of us for the common defence. Let Massachusetts ideas and Massachusetts principles go forth, with the industrious, sturdy sons of the Commonwealth, to propagate and intensify in every camp, and upon every battle-field, that love of equal Liberty, and those rights of universal humanity, which are the basis of our Institutions; but let none of us who remain at home, presume to direct the pilot, or to seize the helm. To the civil head of the National State, to the military head of the National Army, our fidelity, our confidence, our constant, devoted, unwavering support, rendered in the spirit of intelligent freemen, of large-minded citizens, conscious of the difficulties of government, the responsibili-

ties of power, the perils of distrust and division, are due without measure and without reservation.

The Great Rebellion must be put down, and its promoters crushed beneath the ruins of their own ambition. The greatest Crime of history must receive a doom so swift and sure, that the enemies of Popular Government shall stand in awe while they contemplate the elastic energy and concentrative power of Democratic Institutions, and a Free People. The monstrous character of the crime has never yet been adequately conceived, nor is language able fitly to describe it. Groundless and causeless in its origin, it began and grew up, and continues, under the lead and direction of men who had received all the favors, and enjoyed all the blessings of our government, and who were bound by official oaths to maintain it. Reckless of consequences, and determined to ruin where they could not rule, they conspired against the welfare of nearly thirty millions of people, and their countless posterity; they plunged them, with inconceivable madness, into every danger, and suffering, and sorrow, which can be generated by domestic war; and they stand with souls blackened by the selfishness and audacious barbarity of the crime—red-handed and guilty before God and History, of the slaughter of the innocent, and the blood of the brave.

Whether right or wrong in its domestic or its foreign policy, judged by whatever standard, whether of expediency or of principle, the American citizen can recognize no social duty intervening between himself and his country. He may urge reform; but he has no right to destroy. Intrusted with the precious inheritance of Liberty, endowed with the gift of participation in a Popular Government, the Constitution makes him at once the beneficiary and the defender of interests and institutions he cannot innocently endanger; and when he becomes a traitor to his country, he commits equal treason against mankind.

The energies, wisdom and patience of the People, their capacity for Government as a corporate whole, and their capacity of voluntary obedience and subordination, whether in camp or at home, are now on trial. This is no merely local, accidental, temporary act of insurgency, to be treated by police measures, and civil correction. It is WAR, dreadful, solemn WAR. The influences, institutions, and adherents of despotic ideas and systems, reacting against the ideas of progression in liberal government, have arrayed themselves against the only people and the only national

power where Democracy has a citadel and a home on the face of all the earth.

The despotic element in America, conspiring against our country's National Life, anticipated its own earliest demonstrations of force by trying to extend the conspiracy to the inclusion of all the "nations who feel power and forget right." Involved in this controversy for life, for freedom, and for honor, let Massachusetts in following the flag and keeping step to the music of the Union, never fail to prove to all the world that in all the characteristics of her people she is to-day as she was of old when *she* it was who *first* unfurled the flag, and pitched the tune. Henceforth there will be no one to consider how to "reconstruct" the Union, excluding New England from the sisterhood of States. Wherever for treasure, or heroism, or blood was the call they heard, the people of New England have responded by opening the lap of their industry, and by the march of their braves. And now when the beauty of our Israel has been slain in our high places, and when her Lee, and Revere, and Rockwood, and Bowman lie in felon's cells, and hundreds of her sons wear out their hearts in sad captivity, victims of their valor and devotion to our Union, one irrepressible impulse moves our people and inspires our soldiers in the field—one prayer to see the day when an army of Loyal Americans shall hammer at the doors of their prison-houses, with both hands pledged to the solemn task of *war*, and with neither hand averted to uphold the Institution which is the cause of all this woe; and that their bow shall turn not back, and their sword return not empty, until the grand deliverance shall be accomplished.

MARYLAND.

I gladly point you to one oasis in the midst of all the resentments of the hour. A committee of the House of Delegates of the Legislature of Maryland, acting under instructions from that body, have addressed the Executive of Massachusetts, seeking to learn the condition of the widows and orphans of the patriots who were murdered at Baltimore on the 19th of April, and to be informed of any persons who were dependent on them for support, in order that the State of Maryland may take such action in that connection as befits its sense of justice and honor. Cordially appreciating the honorable and humane sentiments of the House of Delegates, the letter of their committee is herewith communicated to the General Court, and I have

directed the necessary investigation to be made to answer its inquiries.

Senators and Representatives :—

I invoke your study to promote all the interests of morality, industry, thrift, and valor, so that our Commonwealth and her People may crown all the heights of enterprise, virtue, and honor. Attended by your wisdom, supported by your sympathy, I re-ascend the chair, so often and so worthily filled by great magistrates and good men, and you will assist my unequal steps in treading the paths their lives illumined. Inspired by trust in God and an immortal hate of Wrong, let us consecrate, to-day, every personal aspiration and every private hope, in one united apostrophe to our Country and her cause—"Where thou goest, I will go; and where thou lodgest, I will lodge; thy people shall be my people, and thy God my God: where thou diest, will I die, and there will I be buried."

SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY HIS EXCELLENCY THE GOVERNOR, TO THE LEGISLATURE, DURING THE SESSION ENDING APRIL THIRTIETH.

[To the House of Representatives, January 18.]

In obedience to the Order of the House, passed on the 13th instant, requesting the communication of "the correspondence relating to the recruiting of troops for the department of New England, and any other matters connected therewith," I have the honor herewith to transmit copies of all the documents required.

[To the Senate, January 23.]

I am compelled to return to your honorable body, in which it originated, a bill entitled "An Act in addition to an Act in aid of the Families of Volunteers, and for other purposes," and respectfully to invite its re-examination.

The Constitution, (chap. 1, sect. 1, art. 2,) provides that every bill or resolve shall be "laid before the Governor for his revisal; and if he, upon such revision approve thereof, he shall signify his approbation by signing the same. But, if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the Senate or House of Representatives, in whichsoever the same shall have originated."

For reasons peculiar to this bill, in some of its possible relations, it would have been a most grateful relief if it had been possible in this instance to avoid the execution of these duties. But the supreme law of the Commonwealth, which is our common guide, imperatively demands "*revisal*" of the bill by the Governor, and his subsequent "*approval*," or the "*return*" of the bill "*with his objections*."

When objections exist, against a measure adopted by the deliberate action of both the branches of the General Court, founded in mere matters of opinion touching which intelli-

gent and fair minds do, or may, differ, I think the Governor—unless it may be on some rare and grave occasions of exceptional character—ought with modest deference to remember that, although he may not in his own private judgment approve the conclusions of the Senate and House, he is still but one person, oftentimes of less wisdom and experience than members of the General Court, whose act he is revising; and that he should yield his mere opinion to theirs.

But when a measure is so manifestly wrong, or defective—and especially when it is passed under circumstances of haste, or otherwise, tending to the inference of accident, inadvertence, or want of consideration, and that the bill does not fairly carry out the manifest intention of the Legislature—the simplest good faith and sense of duty, preclude the Executive from adding a pretended approval, and thus completing the error.

In order to a more perfect understanding of the measure under review, I beg leave to recur to its history.

The subject matter of the bill was brought to the attention of the General Court in two ways.

1. By the Annual Address of the Governor to the Legislature delivered on the third day of the present month,—in which Address occurred the following language on the subject:—

“I respectfully recommend that the 222d chapter of the Acts of 1861 be so amended as to include in its provisions for the aid of the families of ‘the Volunteer Militia of this State,’ those companies which at an early period in the war, impatient of delay, and anxious for service, marched from the Commonwealth, and became attached to the regiments of New York, with whose volunteers they are consequently enumerated.

“Earnest, but unsuccessful efforts have been made to transfer them to Massachusetts corps. And I cannot doubt that the Legislature will gladly restore to these companies, composed of good soldiers, whose behavior has done credit to the State, the benefits of a statute whose equity reaches their case.

“I am apprised of certain other bodies of volunteer soldiers, who were recruited by irregular means in this State, and a part of them assembled at a camp in Lowell, and others at a camp in Pittsfield, whose condition, in a similar way, appeals to the General Court for consideration. Although they were needlessly enlisted and brought together, contrary to the orders and directions of the Department of War and the authority communicated to the Governor of this State, and to general orders promulgated from the Commonwealth head-quarters, issued at a time when we were straining the enlistment by raising eight infantry regiments, one cavalry regiment, and four artillery batteries at once, besides furnishing recruits to older regiments in the field, I am of opinion that the majority of these soldiers were misled into the belief that they were enlisting into regular regiments of Massachusetts Volunteers. They have marched, or will march, I believe, into actual service, when their conduct will doubtless entitle them

to the honorable and sympathetic remembrance accorded by the State to citizens in other corps. *I respectfully suggest an inquiry into the condition of these bodies; and if no objections shall be found to exist, that the provisions of the Act be extended to their families, also, without delay.*"

It will be observed that there were two classes of persons alluded to in the Address, viz.:—

Certain Massachusetts companies which had, at a very early period of the present war, become attached to New York regiments, and whose members thus inadvertently lost the State relief for their families.

Also, certain bodies of volunteer soldiers, "recruited by irregular means," of whom a majority were supposed to have been misled into the belief that they were enlisting into regular regiments of Massachusetts Volunteers.

2. The other way in which the subject was introduced to the Legislature was by means of a petition, representing "that whereas, many citizens of the Commonwealth *have enlisted* in the companies recruited in this State by Major-General Butler, with the representation and understanding that they were to receive the aid provided for in an Act of the Legislature in aid of the families of Volunteers, approved May 23, 1861; and whereas, the State authorities have decided that the persons so enlisted are not entitled to the aid provided for in this Act, they earnestly pray that the Act may be amended, so as to include *those* citizen soldiers in its wise and humane provisions."

That portion of the Address which has been quoted, was referred to the Joint Committee on the Militia, on the 7th day of January, and the petition was referred to the same Committee, on the 8th day of January, who reported, on the 13th day of the same month, to the Senate, that "the Committee on the Militia, to which was committed the petition of Thomas R. Collins and others, asking that the provisions of the Act in aid of the families of Volunteers, and for other purposes, approved May 23, 1861, might be extended so as to include and apply to the families of certain other Volunteers recruited since the passage of said Act, and also so much of the Governor's Address as relates to the same subject, have considered the same, and report the accompanying Bill."

On the same day, the Bill passed to its second reading in the Senate, and on the next day was engrossed and sent into the House of Representatives, where, on the same day, it received all its readings, and passed to be engrossed, under a suspension of the Rules,—never having been printed in either branch. I mention these circumstances, because such departures from the ordinary rules, always render it the

duty of the Governor the more carefully to exercise his own functions. And may I not add that they always suggest the apprehension, that in thus making great haste to do right, some error may have slipped in?

We are now brought to consider and to interpret the bill itself, under review. It should first be remembered that it is in addition to a certain other Act, which it seeks to amend. And that other Act provides for the relief by the municipal governments of this Commonwealth, of certain dependent kindred "of any one of their inhabitants, who as a member of the Volunteer Militia of this State, may have been mustered into, or enlisted in, the service of the United States."

It is to be noticed—

1. That the provision is in aid of the family of an inhabitant of the *city* or *town* rendering the relief.

2. That he must, as a member of the Volunteer Militia of *this State*, have been mustered or enlisted into the service. And

3. That inhabitants of this Commonwealth who enlist or are mustered into the United States service in other States as members of the militia corps of *such other States*, are not included in this bounty. For example, the companies of Massachusetts Volunteer Militia, (alluded to in the Address,) by going into New York, and becoming attached to New York regiments, (the *regiment* being the unit of organization in the United States military system,) did thereby shut themselves out from the benefits of the original relief Act.

But the bill now before us, seeking apparently, and only, (according to the prayer of the petitioners,) to include certain Massachusetts soldiers, pertaining to some supposed military body, therein called "The New England Division," departs, in the interest of that supposed division, from the theory and interests of the original Act, in certain vital particulars, in a manner which I cannot think it was the intention of the legislature to sanction.

1. By the terms of this bill, the provisions of the original Act (chapter 222 of statutes of 1861,) are made "to apply to and comprehend the families of inhabitants of this Commonwealth, who have enlisted or shall hereafter enlist in any Massachusetts company for the volunteer force for the war known as the New England Division," "in like manner as the same apply to and comprehend the families in said chapter designated."

That is to say, the law of May, 1861, applies to the families of inhabitants of the *city* or *town*, from whose municipal officers the relief is sought, while the bill before us applies

generally to families of inhabitants of *the Commonwealth*. The words "in like manner," which qualify the words "apply to and comprehend," do not change, or indicate, or regulate the meaning of the words "inhabitants of this Commonwealth," but they only indicate and regulate the *manner* in which the relief pointed out shall be given. They point to the original statute, which confines the relief to the "wife," "children," "parent," "brother," "sister," of the volunteer, who may be "dependent on him for support." And doubtless, by the reference made from this bill to that Act, the word "families" must be interpreted in the light of that enumeration, as showing the sense in which the words "family" and "families" in both Acts were intended.

But if this bill becomes a law, I see no reason why a wife, not obtaining the relief she seeks for, in the city or town where her husband was domiciled, and whence he departed into service, may not continue her application to any other municipality, until she finds one satisfactorily compliant. Thus while others must be confined to *their own cities or towns*, members of the "New England Division," (so called,) would have *all* the cities and towns in Massachusetts to select from. I do not think that this was intended by the General Court.

But there is another departure from the policy of the original Act. For, whereas, under that Act, Massachusetts citizen soldiers, as members of Massachusetts companies, on going into service, attached to New York regiments, have been considered as excluded, and have been practically excluded from the bounty of the law of May; yet, by the terms of this bill, an inhabitant of Massachusetts belonging to "any Massachusetts company" of the aforesaid "New England Division," is brought within reach of the bounty, although such company may be the only Massachusetts company in the whole "division."

Can I believe, that, while overlooking, or excluding from this bill, the Massachusetts companies urged on the attention of the General Court, who have, for some nine months already been in the field, and who have borne all the hardships of the war,—the Legislature intended to include not only men just mustered in, but even men who shall *hereafter* enlist in the "New England Division?" I respectfully suggest that I do not suppose this to have been intended by the Legislature.

But, again, the Address refers to enlistments already made. The petition asks for relief, only for the families of

those "citizens of the Commonwealth who *have enlisted* in the companies recruited in this State by Major-General Butler." And the report of the committee is expressly based upon the Governor's Address, and on the prayer of the petition,—in fulfilment of which the bill purports to be offered. And, nevertheless, the bill includes those who will *HEREAFTER enlist*. I ask the honorable Senators and Representatives to remember whether they were aware of this extensive scope of the bill; and whether this purpose and effect of it was explained or stated in debate?

And I beg permission also to remark that the body or bodies of troops intended to be affected by this bill, so far as such troops as yet exist, were those declared in the Address, to have been "recruited by irregular means."

Since nothing appears to the contrary, I infer that the accuracy of this statement of the Address was assumed by the committee and by the Legislature.

And it cannot be presumed that the Legislature intended in the passage of this bill to bestow its bounty on all who *shall hereafter enlist* in the military force alluded to, until it can be believed that the Legislature desires to promote and encourage those who may hereafter, in a spirit of defiance and insubordination, condemn the law and the authority of the Commonwealth and of its magistrates.

Whatever may be thought of the legal validity of the proceedings for the recruitment of the force in question, in their relation to the laws of the United States, yet, it is not to be concealed, that it is impossible knowingly to promote or encourage the conduct of those engaged in that work, without sharing a common purpose to defeat the efforts of the Governor in the execution of his regularly delegated duties, and to dishearten those who rely on his honor and discretion, and on his power to fulfil his lawful functions. Nor is it possible to do so without contempt of his office and authority. Let this bill become a law; and let all those who shall enlist *hereafter* in this force, be treated by the Legislature of the Commonwealth in the same manner as the 28,000 Massachusetts soldiers are treated, who, in a filial and dutiful spirit of co-operation and loyalty, have marched under the flag of our Union and the colors of the Commonwealth,—and I know nothing which reckless men may not attempt, and nothing they may not accomplish,—save in so far as the resistance of the Executive may be enabled to withstand them, single-handed and alone.

Another, and a radical objection to the bill in its present form, is its incomprehensible phraseology, in extending the

benefits of the law of May, to the families of soldiers of all Massachusetts companies enlisted in the "New England Division."

No such body as the "New England Division" is known in the organization of any portion of the military forces of the United States; and if there were any division of the regular army or of the volunteers so designated, either at this time or at any other, the composition of such a division, and also its title, would be liable to constant variation, because it is not the division nor the brigade, but it is the *regiment* which is the *unit* of the Federal military organization. A brigade is formed of two or more regiments, and a division consists usually of two or three brigades. But a brigadier-general of the line is not attached to an invariable brigade, nor a major-general to an invariable division, while a colonel of the line is necessarily attached to an invariable regiment, for that is the unit of the military organization. The regiment is invariable, being such unit. But a brigade may vary constantly by the addition or withdrawal of regiments, and a division may also vary constantly by the addition or withdrawal of regiments or of whole brigades. And the title by which brigades and divisions are usually designated in the Federal service, being that of their commanding officers, (as for instance, "Banks's Division," or "Abercrombie's Brigade,") is liable to vary according to changes in the detail of such officers.

Therefore, even if there were any such division now existing, properly known as the New England Division, (which there is not,) the law is open to grave objection, in being applicable to all the various regiments which might at any time be incorporated with such division, and also in being liable to fail altogether in the event of the abolition of such division at any time by dispersion of the regiments or brigades of which it was composed.

It is not desirable to encourage the enlistment of Massachusetts companies into any other than Massachusetts regiments. Among future contingencies, the States may be called upon, in some national emergency, to furnish soldiers by process of conscription or drafting; and the numbers to be drafted from the different States would be proportioned by the numbers of their troops already in the field. It is highly probable that this calculation of the number of troops already in the field from any State, would be based upon the strength of the regiments in the service from such State,—the regiment being the unit of organization. And this probability is strongly confirmed by the fact that the

Massachusetts companies now serving in New York regiments are not accredited to Massachusetts by the Federal Government, in reporting the numbers of troops sent by each State into the field, but are accredited to New York. It is the Executive of New York, and not of Massachusetts, who exercises towards them the powers and functions with which the Governors of the States are vested by law of Congress towards volunteer troops in the field; and it is the prowess of that State, rather than of Massachusetts to which they add.

Now, if there were indeed such an organization as the New England Division, composed, as its name would seem to imply, of regiments from at least six different States, this bill, so far as it could influence enlistments, would operate if not to the positive detriment of Massachusetts regiments, at least to the favor of those of the other New England States, by holding out as strong inducements to Massachusetts companies to join them as to join Massachusetts regiments; thereby tending, at the expense of this Commonwealth, to increase the reputation of such States for their numbers of troops in the field, and to decrease the liability of their population to conscription.

To recapitulate on this branch of the subject: There is no such organization as the "New England Division;" and if there were, such Division necessarily could not be a permanent and invariable organization, and even if it could be, then this bill would encourage the enlistment of Massachusetts companies into regiments of other States, to the injury of this State in respect to its military prowess and to the liability of its own people to conscription.

But in recommending the extension of the law of May to the families of the soldiers of Massachusetts companies in the New York regiments, I propose an exception in their favor because of the peculiar circumstances under which they joined such regiments, and because in legislating for them we deal with definite and determined facts and numbers, while in legislating respecting *future* enlistments there is a necessary lack of such definiteness.

It was at an early period of the war—the end of May and the beginning of June—that they left Massachusetts, and if you recall the transactions of that period, you may remember that it was at a time when we were embarrassed by having several thousand troops under arms in the State, which the Federal Government was unwilling to accept. I had from the beginning, considered that the exigencies of the war would require a much larger force of volunteers than the 42,000 called for by the President in his proclama-

tion of May 3d, and accordingly I neglected no opportunity to secure enlistments during that period of excitement. It was with great embarrassment that I learned that the Federal Administration did not approve such views, and refused to accept more than five three-years regiments from this State, although they conceded a much larger proportion to the State of New York. By much persuasion I obtained the concession of one more regiment. But more than that I was unable to obtain, until nearly the end of June. Late in May, I was advised officially from the Department of War, that it was "important to reduce rather than enlarge this number" (i. e. *six* regiments,) and "if more were already called for, to reduce the number by discharge;" and earlier in the month, I had been warned that the administration was getting more men than were wanted. I found myself, therefore, embarrassed by responsibility to men whom I had encouraged to take up arms, to the number of several thousands more than I could persuade the Federal Administration to receive; and that, after forcing all I could upon the General Government, and availing myself to the extremest limit of the provisions of the Encampment Law of the State, (passed on May 23d,) there would remain some thousands, whom it would be necessary to disband. The preparations for establishing a camp or camps under the law were immediately instituted; and the process of disbandment reluctantly commenced, according to the instructions of the War Department, with reference to all regiments and companies recruited beyond the number of the six regiments which the Federal Government consented to receive, and the five additional regiments which by law of the State I was authorized to place in camp here for instruction and discipline. In the designation of companies to constitute six regiments for active service, it was impossible to include the companies now in question; and it was under those circumstances, that they determined to enter the field at the earliest day; and being excluded from immediate opportunity by reason of the administration refusing to Massachusetts a proportionate quota to that conceded to New York, sought in New York regiments that chance to meet the enemy which I would gladly have conceded to them in Massachusetts regiments if I had had the power. It was not until late in June—some weeks after they had marched away from the State,—that permission was obtained at last for Massachusetts to send sixteen three-years regiments instead of six. Every possible influence was then unsparingly exerted to transfer

these companies to Massachusetts regiments. In the instance of one company, an Order was passed on August 24th, directing such a transfer to any incomplete regiment selected by the Governor of Massachusetts. Assuming its validity, I notified the Adjutant-General of the United States Army of my wish to assign the company to join the Massachusetts Battalion at Fortress Monroe, since organized into the 29th Regiment; but no action could be procured upon this notification. The whole question of transferring any of these companies from their New York connections was at last referred by the Department to the General-in-Chief, and he, upon hearing and consideration, refused to assent to any transfer. Since that refusal no further effort for such transfer has been made, and their present positions in New York regiments may fairly be regarded as permanent. But I have constantly assured those soldiers themselves as well as the many persons who have applied on their behalf, that every effort would be made to procure the amendment of the Act of May, so as to include their needy families.

Duty requires me further to remember, that when legislating for the benefit of the families of the irregular force described in the Address and the petition on which this bill is founded, we are dealing with extraordinary facts. We desire to prevent injustice to soldiers supposed to have been misled into a position outside of the Massachusetts organizations. But no one contemplates aiding to create or to perpetuate an unlawful force. It is not intended to promote any simulated organization, having the form of legal military life, but without its power.

There is no middle ground between a lawful military organization and an unlawful one. Persons claiming to be military officers are either really and legally such officers, possessing true and lawful power to command soldiers, over whom they exercise by right and by law, a certain clear and definite military authority, for the just exercise of which authority they are in their turn, as such officers, responsible to the law of the land as it is administered by Courts Martial and otherwise; or else they are in truth not military officers at all, but only usurpers, liable to be punished for doing what a proper military officer may justly do and what it might be his duty to do, the same circumstances occurring within his proper military jurisdiction.

In one case we have an army, or a lawfully created military corps. In the other case we have only a mob, simulating the regularity of military form and organization.

Now it is undoubtedly the purpose of this bill to extend

the benefits of the Act of May, 1861, to the Massachusetts soldiers specially referred to in the Address and in the petition before mentioned. But it is not the purpose of the Legislature, I am sure, to do so, unless, nor until, such soldiers join some existing lawful regiments, or are duly organized and created into a lawful military corps.

And it is within my power to inform the Legislature, that the soldiers referred to by the petitioners have never been organized in any form or manner by the Executive of this Commonwealth.

He has appointed and commissioned no officers over them, but yet he has consented, and offered to the Secretary of War and to the President of the United States, to undertake the performance of all these duties, just as he performed similar functions for the twenty-five regiments, the five battery corps, and the various infantry companies contributed by Massachusetts for three years' service in the present war.

The Governor has been requested by the Adjutant-General of the United States writing in behalf of the Secretary of War, to *issue commissions* to a list of gentlemen dictated in writing, irrespective of what the Governor may believe or know of their quality or fitness to command,—and that too without any previous conference, consultation or comparison of views. This request he declined to obey, but offering to perform his proper duties in the manner already indicated and to yield respectful consideration to the recommendations of the military officer by whom it is understood the roster presented had been proposed.

So recently as the eleventh day of the present month, the Governor received a telegram from the President of the United States, a copy of which, with his reply thereto in writing, and sent by mail to the President on the same day, is submitted with this Message for the information of the Senate.

WASHINGTON, D. C., January 11, 1862.

Governor JOHN A. ANDREW, *Boston* :

I will be greatly obliged if you will arrange somehow with General Butler to officer his two unofficered regiments.

A. LINCOLN.

EXECUTIVE DEPARTMENT, BOSTON, }
January 11, 1862. }

To the President of the United States :

Sir,—I have the honor to acknowledge the receipt of your telegram of to-day, stating your desire that some arrangements shall be made by which I may organize with officers the troops which have been illegally collected in this State, by Major-General Butler; and, in reply, I beg to repeat what I wrote to the Secretary of War, on December 28th, that if the Federal Government wishes me to organize these men into companies and regiments, and to appoint and commission officers, and shall so request and

issue orders accordingly, difficult and thankless as will be the task, I will, nevertheless, undertake it, and I should pay the respect to any recommendations of Major-General Butler due to his rank and position. But I must frankly say that there are names which I perceive he would be likely to propose to me, of persons whom I could not in conscience appoint, and whom to commission would offend both my sense of honor and of duty.

In the sphere of my proper subordination, obedience is my pleasure as well as my duty, but in the sphere of my proper and lawful discretion, although limited and inferior, I must use such discretion cautiously and respectfully, but with firmness and fidelity; and the choice of officers is a duty not simply ministerial, but discretionary and judicial as to their character and qualifications.

Major-General Butler's proceedings in Massachusetts, in respect to recruitment, have been altogether lawless, in violation, especially, of General Order No. 78 of the War Department, of the series of 1861, and have been conducted with both official and personal contempt towards the Government of this Commonwealth.

This has been permitted by the General Government, notwithstanding representations of the facts to the Adjutant-General of the Army, and to the Secretary of War, for which I beg to refer you to the files of the War Department, mentioning especially my letters to the Secretary, of October 6th and December 28th, and to the Adjutant-General of November 27th and December 27th.

In an ordinary time, such insult by an officer of the Federal Government, and such neglect by that Government to check its continuance or prevent its repetition, would have demanded public remonstrance. In a time like this, it is the duty of every citizen to bear whatever can be borne consistently with honor, and I have been silent towards the public, trusting that the Federal Government would at last discontinue the toleration of this indignity, practiced towards a Commonwealth which had done nothing to deserve it; and in that trust I remain silent still.

If you desire more particular details of the action of Major-General Butler relative to the Government of Massachusetts, and to his recruitment in this State, I respectfully refer you to the Senators of Massachusetts in Congress, and to copies of correspondence and documents relating to the subject, which are in their possession.

In my opinion, which I submit with entire respect, there is no necessity for the organization at all of the men whom General Butler has thus collected, and who are, as you state, unofficered. They cannot be required for immediate service under his command, for the 28th Regiment of our Massachusetts line, which (together with our 26th) I raised for him and placed at his disposal, has, after being fully recruited and equipped, been ordered to leave the State for entirely another service. They cannot render any more effectual benefit to the country than by being used to recruit to the maximum standard the Massachusetts regiments already in the field, and particularly the 15th and 20th, which were more than decimated at Ball's Bluff, and the recruitment for which has been checked and embarrassed by the insubordinate competition of General Butler. This also would admit their needy families to the benefits of the State law for the relief of the needy families of soldiers in regular Massachusetts regiments.

But if, on the contrary, the Federal Government shall deem it more beneficent to the public service, that these men should be organized into companies and regiments, and by the appointment of officers, and shall request me to undertake that duty in the manner in which I have performed it in the instances of the twenty-five regiments which this State has hitherto contributed to the army, exercising my own discretion in all matters in the same manner as with those twenty-five regiments, I will assume the

task and perform it according to my best judgment and ability,—and to that end, Major-General Butler should be directed to report in accordance with the General Order, No. 78, and otherwise to comply with the provisions of that Order, which as yet he has entirely neglected and disobeyed.

In event of the Federal Government requesting me to undertake the organization of these men, I should be pleased to hear more definitely from the Secretary of War, with reference to the employment in Massachusetts regiments of some of the foreign officers now tendering their services to the United States, on which subject he has already addressed me. If there are such officers of marked merit, for whom other commands have not been secured, it would be possible to issue commissions to some of them, if adequate reasons should appear for their employment in accordance with the request of the Secretary.

I have the honor to be, with the highest respect,

Your obedient servant,

JOHN A. ANDREW.

On the 13th day of the present month, the Governor received the following communication in writing from one of the Senators of Massachusetts in the Congress of the United States, to both of whom he had communicated copies of all documents pertaining to this subject:—

WASHINGTON, D. C., January 10, 1862.

I am authorized by the War Department to say, that if you will send on your programme, with reference to General Butler, it shall be carried out and the Department given up. Please let me know your desires.

Reply was immediately telegraphed that the matter sought for was already to be found in the letter just recited, which was addressed and sent to the President on the eleventh instant. Since then no communication on the subject has been received at this Department from the President or the Secretary of War, or from any one in their behalf; and the only information of any sort received by me, pertaining to this subject, is a copy for this Department from the Adjutant-General of the United States of what purports to be a part of a "Special Order, No. 11."

It is in the following figures and words (exclusive of the lists of names thereto appended):

[*Special Order, No. 11.*]

"General BUTLER:—

"5. The following lists of officers of the 'Eastern Bay State Regiment' Massachusetts Volunteers, raised by authority of the War Department, approved by the President Sept. 12, 1861, is announced for the information of all concerned; the commissions to take effect from the date of their muster into service."

"General BUTLER:—

"6. The following lists of officers of the Western Bay State Regiment Massachusetts Volunteers, raised by authority of the War Department, approved by the President Sept. 12, 1861, is announced for the information of all concerned; the commissions to take effect from the dates of their muster into service."

For one of the regiments no Colonel is proposed. For the other no Colonel nor Major. The first has ten companies of infantry and three of cavalry. The other has six companies of infantry. It should be remarked that the law requires ten companies to a volunteer infantry regiment, and ten only. Nor, by law, can infantry and cavalry form constituents of the same regiment. My correspondent writes from Washington, under date of the 20th instant, "General Thomas, [Adjutant-General of the United States,] assures me there are no other papers or orders relating to the subject. *There is no name of command, department, or force, than as expressed in these two Special Orders.*" From which last remark, it appears that there is a *fatal variance* between the name adopted by the bill under review, and the names given by the War Department of the United States to the forces whose members it is sought to relieve.

In view of all these facts and documents I respectfully suggest that it is impossible, at this moment, to legislate, unless we will hazard the consequences of errors, involving uncertainty of construction, difference of construction, difficulty of action on the part of the city and town officers, disappointment to the soldiers and their families, and heart-burnings and controversies hereafter, between the cities and towns on the one side, and the Commonwealth on the other.

By whom, where, and how, were these officers appointed? Are they erroneously "*announced*" by the Adjutant-General, not having been appointed at all? Or, having been rightly *appointed*, by whom, when, how, and by what law are they to be commissioned?

Is it the purpose of the President to leave it to the Governor *somehow* to commission these officers; or does he intend to find some other means of imparting to them commissions? Or does he suppose that the Governor *has already appointed* these very officers, and that commissions will soon follow? Or has an effort been made, and is it now in progress, to over-ride, break down and humiliate the Executive of the Commonwealth, in which effort it is hoped to involve the President himself, by first gaining a seeming approval and support from the Legislature of the Commonwealth, in aid of the project?

Amid all the trials, confusions, disasters and fears that beset this people, they in their hearts, and with clear instinct, as well as judgment, have clung to the calm and sheltering power of LAW. Inspired by the idea of ordered, regulated, and constituted *Liberty*, organized into Law, sovereign and serene,—they are fired by the hopeful zeal and strengthened

by the intelligence and faith which have flowed with the blood they inherit through many generations of freemen.

But, if by disregarding the landmarks of the Law, we unbridle ambition and carelessness, and turn them loose, to spite and spurn the restraints found easy and just by the dutiful citizen and the cordial friend of right and rule;—if we discourage confidence in order and in law, and invite the bloody wrongs and frightful sorrows of the anarchy which must follow;—on what power shall we rely, to what agency, but the reaction of an exhausted license shall we ever look, to restore society to *any* order or *any* law? Order may return, but with the loss of Liberty.

And "*Who shall revive the Promethean heat,
Who shall that light relume.*"

I hope to see these soldiers provided with a lawful and appropriate organization; and that a bill may be carefully framed so as to grant the prayer of the petition, and also to put the gallant men of our Massachusetts companies now regimented with New York volunteers, on that equal footing their character both as good citizens and true soldiers, and their long services, and their "hope deferred," so amply merit and demand.

[To the House of Representatives, January 28.]

In answer to the annexed Order of the honorable House, I have the honor to submit the following statement which, with the Documents and Reports thereto annexed, it is believed exhibits the information required.

If more minute information should be desired upon any item, it will be furnished at the earliest moment consistent with the business of the Departments and Bureaus to which resort must be had. The extent of the information requested by the Order, involving a laborious examination of documents and accounts in some of the Departments, is, I trust, a sufficient reason for the inability earlier to comply with the desire of the House for these details.

The following table exhibits the names, duties, rank, dates of appointment, dates of expiration of service, amount of pay allowed to, and amount of pay received by, all officers of the General Staff of the volunteer militia of the Commonwealth, appointed and commissioned by me, by the authority of the statutes cited in the Order. Within the table are included also certain officers, such as the Quartermaster-General, who were appointed previously to the passage of said Acts, and by authority elsewhere contained; and it includes also an Assistant-Secretary, who is not a commissioned officer.

OFFICERS.	Duties.	Rank.	Date of the Appointment.	Date of expiration of service.	Pay allowed.	Pay received during the year 1861.
John H. Reed, .	Quartermaster-General,	Brig.-General,	April 20, 1861,	-	No compensation, . . .	None.
Ebenezer W. Stone, .	{ Assistant Quarterm'r-Gen'l and Master of Ordnance, .	{ Colonel, .	May 25, 1861,	October 3, 1861,	At the rate of \$1,500 per annum,	\$525 82*
Charles Amory, .	{ Assistant Quarterm'r-Gen'l and Master of Ordnance, .	{ Colonel, .	Oct. 7, 1861,	-	No compensation, . . .	None.
Charles H. Dalton, .	Assistant Quarterm'r General,	Colonel, .	May 23, 1861,	-	No compensation, . . .	None.
Frank E. Howe, .	Assistant Quarterm'r General,	Lieut.-Colonel,	Aug. 23, 1861,	-	No compensation, . . .	None.
William P. Lee, .	Assistant Quarterm'r General,	Lieutenant, .	June 14, 1861,	-	No compensation, . . .	None.
Waldo Adams, .	Assistant Quartermaster, .	Lieutenant, .	June 14, 1861,	-	No compensation, . . .	None.
Elijah D. Brigham, .	Commissary-General, .	Colonel, .	June 13, 1861,	-	At the rate of \$1,650 per annum,	\$450 00
William J. Dale, .	Surgeon-General, . . .	Colonel, .	June 13, 1861,	-	At the rate of \$1,500 per annum,	1,066 76†
William Brown, .	Assistant Adjutant-General, .	Colonel, .	Oct. 29, 1861,	-	No rate of compensation fixed additional to that of salary as chief clerk in the office of the Adjutant-General,	- ‡
Albert G. Browne, Jr.,	Military Secretary, . .	Lieut.-Colonel,	May 27, 1861,	-	At the rate of \$100 per annum, additional to salary of Private Secretary.	58 44§
Thomas Drew, .	Assistant Military Secretary,	-	June 8, 1861,	-	No definite rate of compensation fixed.	596 51

* From this amount the sum of \$221.36 was deducted on certain accounts, making the net amount of pay received, \$304.46.

† Of this amount of pay received, a portion is for service from April 16th until date of commission in June.

‡ The salary of the chief clerk in the office of the Adjutant-General is at the rate of \$1,200 per annum.

§ The salary of the Private Secretary of the Governor is at the rate of \$1,400 per annum.

|| This officer has been paid from month to month upon bills presented by him for services performed, being for some months at the rate of \$1,000, and for others at the rate of \$1,200 per annum.

The only Military Agents, whose services have been employed by me during the past year on military business of the Commonwealth, and who at the time of such employment did not hold commissions as officers, are included in the following enumeration, which also includes all details made by me of officers of my staff for special duty beyond the boundaries of the State.

On January 5, 1861, Mr. A. G. Browne, Jr. was sent by me to Portsmouth, New Hampshire, and to Augusta, Maine, to present to the Executives of those States, certain documents concerning the expediency of placing the militia of those States in condition for prompt movement to the defence of the city of Washington, if a call should be made for troops for that purpose;—and also (at the request of responsible gentlemen in Washington,) concerning organizing a national celebration of the anniversary of January 8th.

For this latter purpose agents were dispatched also to the Executives of Vermont and Rhode Island.

No compensation was received by any of these gentlemen for their services. The travelling expenses of the Agent to Maine and New Hampshire were reimbursed to the amount of \$18.90, and those of the Agent to Vermont, Colonel D. W. Wardrop, to the amount of \$42.13.

Early in the month of February, Lieutenant-Colonel Harrison Ritchie, of my personal staff, was sent by me to Washington, for the purpose of consulting with the General-in-Chief of the Federal army, and with other officers, civil as well as military, with reference to the dispatch of troops by this Commonwealth for the defence of the city of Washington, in event of any emergency which would render the employment of militia for that purpose desirable. It is not deemed expedient to insert in this communication the report made by Colonel Ritchie of his mission. It is sufficient to state, that a satisfactory understanding was established with the General-in-Chief, and an arrangement effected, according to which, if it should be found necessary to dispatch our troops, and their way between Philadelphia and Baltimore should be obstructed over land, they should be directed upon Baltimore by sea (landing under cover of its forts,) or upon Annapolis and from thence to Washington.

No compensation has been made to Colonel Ritchie for his services or expenses on this duty.

On April 20th, 1861, Ex-Governor Boutwell was dispatched to Washington on duty described in the annexed certificate, marked [A.], which is transcribed from the files in the office of the Auditor. His stay at Washington on this duty, and

at New York for the purpose of consulting with Major-General Wool, covered a period of about ten days. Among the immediate results of the negotiations with General Wool, were the authorization of the dispatch of five militia regiments from this State, one only having been asked of Massachusetts by requisition from the Federal Government, and the permissions received from the Federal Government at Washington covering not more than three; also the delivery to Massachusetts of 4,000 Windsor rifles, from the Watertown United States Arsenal; also the permission to garrison the Forts in Boston Harbor with Massachusetts troops.

No compensation was received by Governor Boutwell for his services; but his travelling expenses were reimbursed to the amount of \$169.12.

On April 20th, an order was passed in Council for the appointment of an agent to proceed to Europe, for the purchase of firearms. A copy of the order is hereto annexed, marked [B.]. Hon. Francis B. Crowninshield was immediately appointed such agent, and sailed for Europe by the next following steamer. A copy of his instructions is annexed, marked [C.]. The armorer, Mr. Charles McFarland, who accompanied Mr. Crowninshield, remained in Europe after the return of the latter in August, for the purpose of superintending the manufacture of arms contracted for by this State and others.

On April 22, an advance was made to Mr. Crowninshield of \$1,000, towards payment of expenses on this service. No further payment has yet been made, and the accounts of this agency are still open.

In April and May, Ex-Governor Boutwell was followed at Washington by Judge E. Rockwood Hoar, of the Supreme Court of Massachusetts, who in addition to the duties above described, as those of Governor Boutwell, assumed also the charge of the provisions, clothing, and munitions generally, which were forwarded from Massachusetts at that time, by the steamers Cambridge and Pembroke, and otherwise. Through Judge Hoar, at this same period, most urgent efforts were made to induce the General Government to accept from Massachusetts additional three-years regiments to those which were assigned as the proportion of this State under the President's proclamation of May 3d, 1861.

On May 8th, a proposition was submitted by him in writing, to the Secretary of War, offering in behalf of this State, to furnish "six regiments for three years or for the war, *perfectly equipped*," in addition to those allowed; and on the

same day, the proposition was definitely refused in writing, by the Secretary. With the co-operation of the Attorney-General of the Commonwealth, Hon. Dwight Foster, and of Hon. Henry Wilson, one of the Senators of the State in Congress, such aid as the government of Massachusetts could furnish to the pecuniary credit of the Federal Government, was tendered to the President and the Secretary of the Treasury, through Judge Hoar. In accordance with the wishes of the Administration so ascertained, and communicated to me by the gentlemen above named, the recommendations were made by the Executive in his Address to the Legislature on May 14th, in accordance with which chapter 217 of the Statutes of 1861 was passed on May 21st. In this connection I insert a copy, marked [D.], of a letter from the Secretary of the Treasury, acknowledging the receipt of some copies of this Act, which at a later period of the year were transmitted to him at his request.

No compensation was received by Judge Hoar or by Mr. Foster for services or expenses.

In the care kindly and efficiently assumed by the former, of the military stores forwarded by Massachusetts, he was assisted, and upon his return to Massachusetts was succeeded by Mr. Charles R. Lowell, Jr., a copy of whose instructions is hereto annexed, marked [E.].

Upon the books of the Auditor no warrant appears to have been drawn in favor of Mr. Lowell for any purpose, in reimbursement either of services or expenses, save that by the subsequent accounts of Colonel Dalton he appears to have received the sum of \$58.52 for expenses to Fort McHenry and Fortress Monroe.

Upon the appointment of Mr. Lowell as Captain of Cavalry in the United States Army, near the end of May, his duties and instructions were transmitted to Colonel Charles H. Dalton, Assistant Quartermaster-General of the State, who resided at Washington, as an official military agent, during the greater part of the summer and the beginning of autumn. The duties of Colonel Dalton in this capacity, were defined by additional instructions received by him from time to time, and were so various, as well as delicate and important, that to enumerate them minutely, and annex copies of all correspondence with him regarding them, would require very extensive re-examination of books, documents, and accounts.

In general the duties of Colonel Dalton were to communicate, in behalf of this Commonwealth, with the officers of the Federal Government, concerning all matters of business

detail, in the transactions between the United States and the State, during that period; to press to final adjustment certain accounts including those relating to the steamers Cambridge and Pembroke; to have charge of the storage and distribution of the provisions and military munitions forwarded by Massachusetts to Washington; and generally, to render assistance either to our regiments on arrival at the Capital, or to the State Government in accomplishing its military business there, according as requested or required. His absence from Washington—no officer being placed there in his stead—has been keenly felt since the autumn.

I am advised by the Auditor that no warrant has been drawn in favor of Colonel Dalton for any purpose, and that he is not aware that any compensation has been received by him for services rendered to the Commonwealth.

Previously to the appointment of a Surgeon-General, in June, (that appointment having first been authorized by statute passed on May 23d,) the duties of such an officer had since the 15th day of April been discharged jointly by Dr. William J. Dale and Dr. George H. Lyman.

No compensation has ever been received by Dr. Lyman for his important services.

Previously to the appointment of a Quartermaster-General in April, some of the duties of such an officer, and also of Commissary for the militia troops then suddenly assembled at Boston, were faithfully performed, under my appointment, by Mr. James M. Stone. With the assent of the Executive Council the sum of \$75 was awarded in payment for those services, but Mr. Stone has declined to receive any compensation.

On May 2d, the Sanitary Commission not having then been established, Dr. Samuel G. Howe was designated by me to perform towards our regiments in the field the duties of Sanitary inspection and suggestion now discharged by that commission towards all the regiments in the Federal Army; and also to report in detail the condition of our troops in other particulars. A copy of his instructions is hereto annexed, marked [F.]. Upon his return from the execution of these duties, Dr. Howe reported verbally, and subsequently on May 25th he submitted at my request a written report of portions of his observations, a copy of which is annexed, marked [G.].

No compensation was received by Dr. Howe for his valuable services; but his travelling expenses were reimbursed to the amount of \$84.50.

On June 10th, Lieutenant-Colonel Ritchie, of my Staff, was ordered on a similar duty of inspection, with a view particularly to investigate the foundation for various representations which had been made to me unofficially, that our troops were suffering from defective equipments and bad rations, and also to urge upon the Federal authorities the acceptance of additional regiments from Massachusetts. Colonel Ritchie reported in writing from time to time, during his absence, and verbally, upon his return. His mission was especially advantageous in contributing to secure the acceptance of ten additional regiments to the six previously assigned to us. A copy of his instructions is hereto annexed, marked [H.]. Although provision is apparently therein made for the reimbursement of his expenses, no payment has ever been made to Colonel Ritchie on that account, nor for his services.

On May 20th, I received from Mr. Frank E. Howe, of New York, a very honorable and generous offer of the gratuitous services of himself and his employees in any matters connected with the passage of our troops through that city. A copy of the letter in which this offer was accepted, is hereto annexed, marked [I.]. Later in the year, as appears by the tabular statement previously inserted, Mr. Howe was appointed Assistant Quartermaster-General, with the rank of Lieutenant-Colonel. Of the value of his services both to individual soldiers and to whole regiments, the history of the war affords the amplest proof and many illustrations.

No compensation has ever been received by Colonel Howe for services or personal expenses.

On August 29th, Quartermaster-General John H. Reed, and Lieutenant-Colonel A. G. Browne, Jr., of my Staff, proceeded to Washington as Military Agents of the Commonwealth, on business described in the annexed certificate, marked [K.], transcribed from the papers in the office of the Auditor.

Among the results of this mission may be mentioned the collection in cash from the United States of \$775,000 on account of military expenditures incurred by this Commonwealth; the arrangement for the supply by the United States to the Massachusetts Cavalry Regiment of its sabres and horse equipments; the ultimate adjustment of the commissariat of several of our regiments; and the assurance by the President and Secretary of War that the recruiting system of the State should not be harassed by competition.

An elaborate and carefully matured system was also devised, on consultation with the Quartermaster-General of the United States, for the adoption and payment by the

Federal Government of our future contracts for military stores. It was found impossible, however, to arrange with General Meigs such a margin in the prices to be assumed, as would cover the fluctuations in the prices of military goods in the market; and therefore by reason of the rise in prices of most of such goods since that date, this system has been practically inoperative.

No compensation was received by General Reed and Colonel Browne for services on this duty. Their travelling expenses were reimbursed to the amount of \$151.25.

On October 23d, Lieutenant-Colonel Henry Lee, Jr., of my Staff, was dispatched by me to the neighborhood of Poolesville and Edwards's Ferry, Md., to render, in behalf of the State, every assistance in his power to procure, which should be needful in respect to our troops which were engaged at the battle of Ball's Bluff; and to collect and communicate to the friends of any of the killed, wounded or missing, such details as should be important or interesting; and also to arrange for the reception at Washington, and transmission to the camps of the 15th and 20th Regiments, of all letters or packages which might be forwarded to his care, those camps being remote from the Capital and difficult of access, and a means of prompt communication with them during the few days next following the battle, being deemed to be of much importance to all persons having friends with our regiments.

Colonel Lee's services on this duty were acknowledged with thanks, by the commanding officers of the 15th and 20th regiments. No compensation was made to him for services, but the necessary expenses incurred by him, and by Lieutenant William P. Lee, Assistant-Quartermaster, on this duty, were reimbursed to the amount of \$220.72.

On December 15th, Hon. Levi Reed, the Auditor of the Commonwealth, proceeded to Washington to present the Federal authorities the accounts of this State for military disbursements to that month. No formal letter of instructions was addressed to him, but the nature of his duties is described in the letter annexed, marked [L.].

No compensation was received by Mr. Reed for services on this agency, but his travelling expenses were reimbursed to the amount of \$45.50.

Section 9, of chapter 219, mentioned in the Order of the House, authorizes the appointment of a Paymaster for the camps established by virtue of that Act. No such officer, however, has been appointed; but whenever occasion has arisen to pay money to troops, the business has been done

without the expense of a paymaster. Hon. James Ritchie and Hon. James M. Shute, of the Executive Council, have been designated from time to time to perform that duty, so that no expense accrued to the Commonwealth, save that necessarily incident to the travelling by one or the other of those gentlemen, to the place of payment.

As the occasion for drawing warrants, and similar duties, called for almost constant sittings of the Council during the past year, it was apparent that many duties might be properly assigned to Councillors and performed by them without compensation in addition to their regular *per diem* when in attendance; and in adopting that idea, duties of great responsibility and importance were assigned to and performed by gentlemen elected directly by the people, instead of by others who might have been appointed by the Executive. I beg leave to remark, however, that while I am still of opinion that it was the better method under the peculiar circumstances of the last year, when we could never know but little in advance what troops were wanted, or what labors were demanded, yet under other circumstances it would doubtless be more methodical to vest such duties in regular Departments, subject to supervision by the Executive, and to the duty of frequent and detailed reports.

The storehouse for clothing and personal equipments was placed under the charge, first, of Hon. James Ritchie, of the Council; and afterwards at his request, Messrs. Sleeper and Hayden of the Council were associated with him in this charge.

To a committee of the Council, consisting of Messrs. Hugh W. Greene, John I. Baker and Oakes Ames, was assigned the duty of making contracts and purchases of military supplies; and Messrs. Jacob Sleeper, Joel Hayden, and E. C. Sherman were appointed a committee to examine and pass upon all military accounts of every kind, and their report was required in each case as a condition precedent to the signing of the warrant.

In addition to the details thus given of officers and agents appointed directly by myself, the annexed reports from the various military bureaus—from the Adjutant-General, marked [M.], the Quartermaster-General, [N.], the Master of Ordnance, [O.], the Commissary-General, [Q.],—it is believed supply all the remaining information required by the House.

In the Tables appended to the Report from the office of the Adjutant-General, are contained the details desired respecting all officers not comprised within the exception

provided by the Order of the House, who were designated for the organization and drill of companies, for the examination of candidates for commissions, for the command of various military camps, for the recruiting service, and for the care of military stores belonging to the Commonwealth.

In the Tables furnished by the Surgeon-General will be found similar details concerning the medical commissioners appointed in conformity to the requirements of the War Department, for the examination of candidates for appointment as Surgeons of the volunteer regiments; and also concerning all gentlemen of the medical profession who have been designated from time to time for the examination of recruits. The Commonwealth owes much gratitude to this profession for the cheerful unanimity with which its members in every section of the State have rendered gratuitously the most important and valuable services whenever requested, and without stopping to count personal inconvenience, or cost, or time.

It will be observed that whenever the services of agents have been required to visit Washington, or the camps in its vicinity, for military purposes, selection has been made, so far as practicable, of gentlemen of my personal, and of the General Staff, who would perform such duties without compensation for personal services; but there have been few instances when these services have thus been rendered, in which it has been deemed proper that these gentlemen should remain without reimbursement of their expenses necessarily incurred on such duty. In the instances, however, of which there have been several during the past year on which the Governor has been called from Boston to Washington and elsewhere on public business, no charge for his expenditures has been made against the treasury.

It will also be noticed, that no compensation for services has been received, nor fixed upon for the Quartermaster-General, to whom the public service is greatly indebted for his energetic and successful labors; nor any compensation for the gentlemen commissioned as assistants in his department, including the present Master of Ordnance; and I am authorized to declare, that none was expected or is desired. To all these gentlemen I may be allowed to confess my personal obligations and sincere gratitude.

[To the House of Representatives, January 30.]

It becomes my duty to represent to your honorable body the condition of some twenty or more Massachusetts men

now sustained by charity in the city of Baltimore, Maryland, who have been deceitfully induced to leave their homes, by a person falsely pretending to be a military officer of the United States.

I am advised that these men were induced to repair to Baltimore under the promise of employment, in military service, as mechanics, at good wages, but not as enlisted men; and that on arrival there they found that the only position offered them was that of private soldiers in some Maryland military organization.

Many, if not all of these men (of whom it is said that one hundred and twelve, in the whole, were thus induced to leave their homes in Massachusetts) were heads of families, needing for the support of those dependent on them, the wages they hoped to earn by going abroad, or else the rewards of such labor as they might have obtained at home.

Some of this number are supposed to have enlisted in Maryland, in despair at the forlorn condition in which they found themselves, away from home, without money or friends, and discouraged by disappointment.

Others have made their own way back to Massachusetts; but still others now remain at Baltimore sustained by the kindness of a relief association, while engaged in efforts to communicate with Massachusetts and procure the means for transportation to their homes.

In reply to a communication from Major-General John A. Dix, the Federal military commandant of that city, I have, since no law authorizes me to do so officially, assumed personally the expense of transportation of the twenty men first mentioned, in order to enable them to reach Massachusetts without more delay. And, should it meet the approbation of the General Court, I recommend that an appropriation be made to defray such expenditure.

I beg permission to add that I am induced to make this communication less for the sake of this appropriation, than for the purpose of giving publicity to this case of fraud upon our people, and of suffering, as its consequence, to those thus deceived and allured into another service.

And I am impelled to take this occasion to urge the Legislature to unite with the Executive Department in endeavoring to prevent the repetition of such wrongs. I have by all proper means known to me, endeavored to discourage and prevent all these irregular and irresponsible recruitments, and to keep all Massachusetts men in the regular regiments of the Commonwealth, where their condition, rights and liabilities are settled and ascertained,

and where the care of the State can most easily reach and protect them.

Since that period in June last when leave was obtained for this State to furnish ten regiments additional to those we were first allowed, there have always been ample opportunities for Massachusetts men to enter military service in the ranks of the corps of infantry, cavalry and artillery, required by the United States government, and raising or raised in this State. And at this moment there is room for such, in our Massachusetts regiments now in the field whose ranks are necessarily thinned from day to day by the casualties of war.

Of late, Massachusetts has come to be considered an appropriate ground for irregularities and dishonest practices, to the great injury of the service, and with great injustice to our own people. And I earnestly invoke the aid of the General Court in the use of all the means its wisdom may suggest, to deliver the State and its people from the causes of these wrongs and sufferings, and to secure the restoration of a regular, safe, and domestic system of recruitment, which shall give to all persons an opportunity of enlisting at home, and to the State the credit for all the soldiers it furnishes.

I am informed that irregular recruiting offices have been opened at Boston, where men are now daily enlisted under inducements which I have reason to believe are in part deceitful, into military corps of other States; and that these offices have agents for similar purposes in the country districts.

I cannot doubt that it is within the competency of the General Court to legislate for the prevention and punishment of these fraudulent practices, and to affix stringent criminal penalties to the act of thus enticing men or endeavoring to entice them into military service, under false pretences, whether by word of mouth, or by written or printed placards or advertisements; and I respectfully submit that it is a subject appropriate for such legislation.

In the remarks thus made no allusion is intended, by even the remotest implication, to the general system of recruitment for regiments in the field, defined by General Order of the Federal War Department, issued on December 3d, in which system it will afford the State authorities constant and cordial pleasure to co-operate with those of the United States.

But it is intended and desired to recommend such legislation as shall root out such fraudulent practices as those

under which the Massachusetts men described as recipients of public charity in Baltimore, were enticed from their homes.

[To the House of Representatives, February 10.]

I have the honor to inform the General Court that in obedience to the Resolve of January 27th last, entitled a "Resolve to assume the collection and payment of the direct national tax," I on that day forwarded to the Secretary of the Treasury of the United States the notice required by said Resolve, an acknowledgment of the receipt of which notice has been received by me from the Secretary, under date of February 6th, a copy of which acknowledgment is hereto annexed.

[To the House of Representatives, February 20.]

I had the honor to receive the Order of the House of the 30th day of January, requesting me "to furnish to the House all bills which have been paid out of the treasury of the Commonwealth on account of the Reform School at Westborough, the School-ship connected with the same, the Industrial School at Lancaster, and the Board of Education, during the two years last past."

Owing to the statutory provisions relating to the three institutions first named, they are governed each by laws peculiar to itself, each having a treasurer to whom the appropriations made by the authority of the General Court are paid from time to time, in such sums and proportions as may be necessary; and these appropriations are disbursed under the direction, control, and supervision of the respective Boards of Trustees of these institutions, by whom also the accounts of their disbursing officers are by law audited.

The bills which I am requested by the House to furnish, were not therefore within the immediate control of this Department, nor were they "paid out of the treasury," in the sense in which the proper expenses of the Commonwealth are paid therefrom; but they were paid out of the respective treasuries of the institutions themselves, which treasuries are periodically replenished out of that of the Commonwealth.

In order, however, to enable the Honorable House, through any of its members or committees, to examine the original vouchers for the expenditures of these institutions during the two years covered by the Order of January 30th, I requested their treasurers to place them in my hands for the use of the House; and I have the honor to inform the

House that they are now deposited in the custody of the Auditor of the Commonwealth, for that purpose.

Of the appropriations made for educational purposes, those in aid of the American Institute of Instruction, the Massachusetts Teachers' Association, and Teachers' County Associations, are paid, as bounty, directly to the treasurers of those associations; the appropriation for Teachers' Institutes is paid to the Secretary of the Board of Education, and by him disbursed as necessity requires; and the appropriations for the support of Normal Schools, for aid to attendants of Normal Schools, and for the support of State Scholarships, are paid to the Treasurer of the Board of Education, who, under the direction of said Board, is charged with their disbursement.

For other educational disbursements accruing under appropriations,—for the Secretary's expenses, the members' travelling expenses, for the Agent of the Board, and the incidentals of the Board,—vouchers are on file in the Auditor's Department, subject to examination by the House.

In reply to a communication which I transmitted to the Treasurer of the Board, covering a copy of the Order of the House, he has forwarded to me chronological accounts of all his disbursements during the last two years, together with the vouchers, as reported by him to the Board, and approved by their committee, which accounts and vouchers I have deposited in the custody of the State Auditor, in the like manner, and for the same purposes as the vouchers and accounts of the treasurers of the institutions first mentioned.

[To the House of Representatives, February 21.]

I have the honor to transmit to the House copies of certain correspondence between the Adjutant-General of this Commonwealth, and Major Strong, Assistant Adjutant-General on the staff of Major-General B. F. Butler, of the United States Volunteers, commanding the Department of New England, in November last, relating to the disposition to be made of the 28th Regiment of Massachusetts Volunteer Infantry, (being the same regiment assigned by me to General Butler, with his assent, under date of October 5,) incidentally bearing upon the recruitment of troops concerning which information was asked by the Order of the House of the thirteenth day of January.

The existence of this correspondence was not known to the gentleman to whom the task was intrusted of searching the files of this Department for the material required in order to comply with the request of the House; and it was overlooked

by my own inadvertence in not informing him thereof. The fact of such correspondence had been known to myself personally, though not to him. The copies sent to the House, up to the date of the Order of the House, had been already prepared and arranged chronologically for my own convenience, and were transmitted to the House without re-copying.

A letter of Mr. Charles Everett to myself, replied to by the Adjutant-General, is, with the reply, transmitted herewith. They relate directly to the subject of the Order of the House, but both being on the files of the Adjutant-General, and not upon my own, were likewise omitted.

The absence of the Adjutant-General and of myself, on duty elsewhere, and the delays incidental to careful searches for documents in both offices, have delayed the earlier transmission of these documents; but I trust that the want of them has occasioned no inconvenience to the honorable House.

I beg leave to remark that I have received many communications in writing from soldiers in the bodies of troops since organized into the 30th and 31st Regiments of Massachusetts Volunteer Infantry, which, by a liberal construction of the Order of the House, would be included within its terms; but while they tended to illustrate my own duties and to influence my performance of them, I have felt bound, for controlling reasons, to regard them, as I do generally the letters of all our soldiers addressed to myself, as entitled to the protection of strict confidence.

I desire to add that I find that by clerical error the name of one of the gentlemen who united in commending to me Colonel Wyman, as mentioned in a letter addressed by me to Major-General B. F. Butler, on January sixth, is omitted in the copy furnished of that document. It is that of Colonel Charles Amory, than which no other was more influential upon my mind in respect to the matter in reference to which it was employed.

I believe that the annexed documents, with those heretofore transmitted, include all which are properly responsive to the Order of the House. Should any others be found, they also will be transmitted.

[To the Senate, February 24.]

I have the honor to transmit through you to the General Court, the accompanying communication received from one of the Executors of the last will and testament of the late General William H. Sumner, concerning the disposal of two portraits, bequeathed by General Sumner to the Common-

wealth, on the condition of their seasonable acceptance. And I would respectfully add that I shall cordially unite with the Legislature in the acceptance and in the appropriate acknowledgment and disposition of these memorials of personages long since numbered with the departed, but who were once conspicuous actors in the history of Massachusetts, and whose features thus delineated on canvas "art has preserved from the common decay." I am, with great respect, your obedient servant.

[To the Senate, March 5.]

I respectfully transmit for the information of the General Court a copy of certain Resolutions recently adopted by the Government of the State of Maine, relating to duties on wool, and on agricultural products generally.

The subject is one of great interest to the husbandmen of Massachusetts, and deserves the most careful and respectful attention.

[To the Senate, April 7.]

A clause contained in the Bill which originated in the Senate and is entitled, "*An act to divide the Commonwealth into Districts for the choice of Representatives in the Congress of the United States*,"—requiring the people of each Congressional District to limit their choice for Representative in Congress, to an inhabitant of the District,—compels me, with much reluctance, to return the Bill to the honorable Senate, for its revision. And in order to present with clearness and precision the reasons which forbid the Executive signature to the Bill, I beg to call attention, at the outset, to all the language of the Constitution of the United States which bears upon the subject :

Constitution of the United States, Article I., Section 2.

"2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen."

Constitution of the United States, Article I., Section 4.

"1. The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each State, by the Legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing senators."

Congress, in the exercise of its power created by the 4th section of the 1st article, above cited, to "make or alter such regulations" concerning "the time, places, and manner of holding elections for * * Representatives," (which

were originally left to "be prescribed in each State, by the Legislature thereof,") passed, in the year 1842, an Act in which the States are required to be districted for the choice of Representatives in Congress.

"In every case where a State is entitled to more than one representative, the number to which each State shall be entitled, under this apportionment, shall be elected by districts composed of contiguous territory, equal in number to the number of representatives to which said State may be entitled, no one district electing more than one representative."—*[Acts of 1842, chapter 47, section 2.]*

The authority under which the legislature of this Commonwealth acts, in legislating upon the subject of electing representatives in Congress, is wholly derived from the clauses of the Constitution of the United States before cited, and from this Act of Congress, of 1842; and I am constrained to believe that no right or power has ever been granted to the legislature of a State to limit the freedom of the people in their choice of representatives by means of any such provision as that contained in the Bill which I herewith return. I am convinced that this freedom is unlimited and irrestrainable, save by the Constitution of the United States itself.

Guided to this result by the light of authorities which command universal regard, I deem it more respectful to allow them to speak for themselves, by the adoption of their own language so far as reasonable limits of quotation will permit me to present them.

Mr. Justice Story, in his *Commentaries on the Constitution of the United States*, examined, in a thorough and vigorous discussion, the question "*Whether the State can superadd any qualifications to those prescribed by the Constitution of the United States.*" Judge Story says:—

"If a State legislature has authority to pass laws to this effect, they may impose any other qualifications beyond those provided by the Constitution, however inconvenient, restrictive, or even mischievous they may be to the interests of the Union. The legislature of one State may require that none but a Deist, a Catholic, a Protestant, a Calvinist, or a Universalist, shall be a representative. The legislature of another State may require that none shall be a representative but a planter, a farmer, a mechanic, or a manufacturer. It may exclude merchants, and divines, and physicians, and lawyers. Another legislature may require a high moneyed qualification, a freehold of great value, or personal estate of great amount. Another legislature may require that the party shall have been born, and always lived in the State or District; or that he shall be an inhabitant of a particular town or city, free of a corporation, or an eldest son. In short, there is no end to the variety of qualifications, which, without insisting upon extravagant cases, may be imagined. A State may

with the sole object of dissolving the Union, create qualifications so high and so singular, that it shall become impracticable to elect any representative."—[*Story on Const., Sect. 624.*]

"It would seem but fair reasoning upon the plainest principles of interpretation, that when the Constitution established certain qualifications as necessary for office, it meant to exclude all others as prerequisites. From the very nature of such a provision, the affirmative of these qualifications would seem to imply a negative of all others."—[*Idem, Sect. 625.*]

The power attempted to be exercised by means of the clause of this Bill now under consideration, has sometimes been thought to be justified by that Article of Amendment of the Constitution of the United States, which provides that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

But this suggestion is disposed of by Judge Story, in the following conclusive argument:—

" * * * The whole of this reasoning * * * proceeds upon a basis which is inapplicable to the case. In the first place no powers could be reserved to the States except those which existed in the States before the Constitution was adopted. The amendment does not profess, and, indeed, did not intend to confer on the States any new powers, but merely to reserve to them what were not conceded to the government of the Union. Now, it may properly be asked, where did the States get the power to appoint Representatives in the national government? Was it a power that existed at all, before the Constitution was adopted? If derived from the Constitution, must it not be derived exactly under the qualifications established by the Constitution, and none others? If the Constitution has delegated no power to add new qualifications, how can they claim power by the mere adoption of that instrument, which they did not before possess?"—[*Story on Constitution, Sect. 626.*]

"The truth is, that the States can exercise no powers whatsoever which exclusively spring out of the existence of the national government, which the Constitution does not delegate to them. They have just as much right, and no more, to prescribe new qualifications for a Representative, as they have for a President. Each is an officer of the Union, deriving his powers and qualifications from the Constitution, and neither created by, dependent upon, nor controlable by, the States. It is no original prerogative of State power, to appoint a Representative, a Senator, or President, for the Union. Those officers owe their existence and functions to the united voice of the whole, not a portion of the people. Before a State can assert the right, it must show that the Constitution has delegated and recognized it. No State can say that it has reserved what it never possessed."—[*Idem, Sect. 627.*]

"Besides, independent of this, there is another fundamental objection to the reasoning. The whole scope of the argument is to show that the legislature of the State has a right to prescribe new qualifications. Now if the State in its political capacity had it, it would not follow that the legislature possessed it. That must depend upon the powers confided to the State legislature by its own Constitution. A State, and the legislature of a State, are quite different political beings. Now it would be very desirable to know in which part of any State Constitution this authority, exclusively of a national character, is found delegated to any State legis-

lature. But this is not all. The amendment does not reserve the powers to the States exclusively, as political bodies; for the language of the amendment is, that the powers not delegated, &c., are reserved to the States, or to the *people*. To justify, then, the exercise of the power by a State, it is indispensable to show that it has not been reserved to the *people* of the State. The people of the State, by adopting the Constitution, have declared what their will is as to the qualifications for office. And here the maxim, if ever, must apply, *expressio unius est exclusio alterius*. It might further be urged that the Constitution, being the act of the whole people of the United States, formed and fashioned according to their own views, it is not to be assumed as the basis of any reasoning, that they have given any control over the functionaries created by it, to any State, beyond what is found in the text of the instrument. When such a control is asserted, it is matter of proof, not of assumption; it is matter to be established as of right, and not to be exercised by usurpation until it is displaced. The burden of proof is on the State, and not on the government of the Union. The affirmative is to be established; the negative is not to be denied, and the denial taken for a concession."—[*Idem*, Sect. 628.]

"In regard to the power of a State to prescribe the *qualification of inhabitancy or residence in a district*, as an additional qualification, there is this forcible reason for denying it, that it is undertaking to act upon the very qualification prescribed by the Constitution as to inhabitancy in the State, and abridging its operation. It is precisely the same exercise of power on the part of the States as if they should prescribe that a Representative should be forty years of age, and a citizen for ten years. In each case the very qualification fixed by the Constitution is completely evaded, and indirectly abolished."—[*Idem*, Sect. 629.]

The subject did not escape the notice, also, of Chancellor Kent, in his *Commentaries on American Law*. He did not, however, indulge in any extended discussion, but in a single allusion emphatically declares his own opinion, and disposes of the topic.

"The question whether the individual States can superadd to, or vary the qualifications prescribed to the Representative by the Constitution of the United States, is examined in Mr. Justice Story's *Commentaries on the Constitution*. But the objections to the existence of any such power appear to me to be too palpable and weighty to admit of any discussion."—[1 *Kent's Comm.*, pp. 229, *Note*.]

The precise question we are considering arose in Congress in the year 1807. Under the clause of the 5th section of the 1st article of the Constitution, which provides that "Each House shall be the judge of the elections, returns, and qualifications of its own members," the House of Representatives was called to pass upon the validity of the election of William McCreery, of Maryland, who had been returned as a member, although wanting in the qualification of residence or inhabitancy required by the local law of Maryland. The case was investigated by very elaborate discussions, in long debate; and the right of Mr. McCreery

to his seat, against the contestant, was determined by a vote of 89 to 18.

In this important debate, held now fifty-five years ago, I cannot forbear to mention that one eminent citizen participated as a Representative from Massachusetts, who still remains to us, an interested, patriotic, and patriarchal spectator of public affairs, in which for more than half a century he bore a part so conspicuous. I allude to Josiah Quincy, whose venerable age and illustrious character entitle the opinions he expressed to be cited with the force of authority.

He insisted that "This was a right reserved to the people and not to the States. * * He would not * * enter into any inquiry on the question of expediency, because according to his view, and clear conception of the Constitution, he could not consider an attempt made by a Legislature of any State to annex qualifications, in any other light than as a *direct violation of the rights reserved to the people.*"—[*See Clark & Hall, Cont. Elections, pp. 203.*]

In recapitulating his argument Mr. Quincy contended:

1. That the right to be elected, was a right of the people which they had reserved to themselves, except as limited by the Constitution.
2. That they had not given to Congress the power to increase the number of qualifications, because it came within neither "time," "place," nor "manner."
3. That if the House should determine that the States had a power to annex these additional qualifications, they would sanction in the States an exercise of authority which could not be justified by the Constitution of the United States.

In the year 1856 the question arose in both Houses of Congress, whether a State may by its own Constitution superadd qualifications for membership to those required by that of the Union; and in each House, on full discussion, the rights of the sitting members were affirmed notwithstanding that such members were ineligible to election under the Constitution of Illinois where they were chosen.

The cases were, that of Judge Trumbull, elected by the legislature of Illinois to the Senate of the United States, and chosen also by the people of one of the districts of Illinois to a seat in the other branch of Congress,—and that of Judge Marshall, elected representative by the people of another Illinois district. Judge Trumbull resigned his seat as a member of the House, preferring to assume the position of Senator. The objection was urged both as to himself and Judge Marshall, that they were ineligible by reason of the following clause in the Constitution of Illinois, viz.: "The Judges of the Supreme and Circuit Courts shall not

be eligible to any other office of public trust or profit, in this State or the United States, during the term for which they were elected, nor for one year thereafter." The debate in the Senate was led by Mr. Crittenden, of Kentucky, who offered a resolution declaring that Mr. Trumbull was entitled to his seat. In the course of a very clear and discriminating speech in its support, Mr. Crittenden remarked :—

"It is now supposed, by those who contend that Mr. Trumbull is not entitled to his seat, that it is competent for a State, by its Constitution, and I suppose they would equally contend, by any law which the legislature might from time to time pass, to superadd additional qualifications. The Constitution of the United States, they say, has only in part regulated the subject, and therefore it is no interference with that Constitution to make additional regulations. This, I think it will be plain to all, is a mere sophism, when you come to consider it. If it was a power within the regulation of, and proper to be regulated by the Constitution of the United States, and if that Constitution has qualified it, as I have stated, prescribing the age, prescribing the residence, prescribing the citizenship, was there any thing more intended? If so, the framers of the Constitution would have said so. The very enumeration of these qualifications excludes the idea that they intended any other qualifications. That is the plain rule of ordinary construction."—[*Cong. Globe, 34th Cong., Part I., pp. 547, et seq.*]

Even such an extremist in the doctrines of State rights, as Mr. Mason, of Virginia, said :

"I do not see how it is possible to allow to the State legislatures (although perhaps I might have been better satisfied if it had been allowed to them,) power to place any other qualifications or disqualifications than those imposed by the Constitution, without changing and impairing the grant of power vested by the Constitution of the United States in the Legislature."—[*Idem, pp. 579.*]

The resolution of Mr. Crittenden was adopted in the Senate, by a vote of 35 to 8, and in the similar case of contested election in the House, the result arrived at was similar, and not less decisive. And I may add that in at least two other cases involving the same principle, Senators of the United States have held their seats without challenge or objection.

The conclusion to which, after anxious deliberation and research, my own mind is compelled, is that the clause in this Bill attempting to confine the range of selection for a Representative in Congress, to the district for which he may be chosen, would be a clear usurpation of a popular right. Neither Congress, nor any State legislature, nor any other governmental agency, has any authority to control the people in their free right to select their members of Congress, restrained only by the limitations which they imposed upon themselves in the Federal Constitution.

The legislature, in laying out the State into Congressional Districts, acts under a power conferred by the Federal Constitution ; since all powers relating to the choice of officers created thereby, spring from that instrument. And the legislature can have no power in the premises which the people have not by the terms and meaning of the Federal Constitution, conferred upon it. The selectmen of the smallest town in the Commonwealth, in issuing their warrant notifying the people to come to the polls and give in their votes, have as much right to attempt to limit them in their range of selection, as has the whole government of the Commonwealth.

This conclusion seems to me so clear that I cannot escape, nor evade it ; and if I should affix my official signature to this Bill, I should feel myself guilty, with my present convictions, of seeking to usurp an ungranted power, and to affect a guardianship over the judgment and opinions of the people of the Commonwealth. Ours are representative governments, based on democratic ideas, their powers limited by written constitutions. Each of these elements must always be remembered, for they are all required to test our powers of government and the methods of administration. And what can be a more significant offence against democratic ideas than for the government to assume to govern and guide the popular choice,—especially in the exercise of that most sovereign right, the elective franchise,—by the assumption of undelegated power ? This is a case, moreover, in which all the doubts, if there are any, must weigh against the power of the legislature, not in its favor. There are cases in which the doubts are to weigh in favor of a power. For example, for the purpose of redressing individual wrongs and grievances, asserting and vindicating rights, curing or preventing public or private injuries or evils, and punishing flagrant crimes, it is the part of a good magistrate to amplify his jurisdiction, because it is the office and design of government to secure right and justice, protect the weak and prevent wrongs. But this is not within that category. This is a case between the powers of the legislature on the one hand, and the powers of the people in their primary capacity, on the other. It is a question whether the people, in whom all the sovereignty of this government resides, have parted with their original, private, personal, individual, and imprescriptible right and power to choose whom they will to represent them in Congress, any further than they have done so by the specific limitations they imposed on themselves in the Federal Constitution. And until I see that the people

have clearly imparted to the State Government the power to restrain them, I cannot but regard any statute which affects to do so, as a usurpation of their undelegated powers and a violation of their sovereign rights.

As to the expediency of such a provision, were it competent for us to make it, I would not presume to review the judgment of the Senate and House. Their wisdom would be my guide. But constrained by my own duty to obey the supreme law, and therefore to examine in its unvarying light every Bill presented for signature, I cannot shelter myself behind even their great authority, if accused in my own conscience of transcending the proper powers of the Constitution.

It has been suggested, that if this Bill is an usurpation of power in the particular questioned, then Massachusetts has for a long time had upon her statute-book a law open to the same objection. But the former inadvertent adoption of an unconstitutional act of legislation cannot, surely, be pleaded as authority for its repetition. The former adoption of a statute is a fact not to be forgotten when considering the question of constitutionality, since there is a certain presumption that what the legislature has heretofore done, has been done rightly; and I have given full weight to that presumption, in my own mind. But still it does not preponderate over the weight of great juridical authority, and over the solemn judgments of the Houses of Congress, repeatedly rendered in the regular exercise of their distinct constitutional powers, and uncontrolled by the influences of party.

So, too, it has also been suggested that, if the criticism of the unconstitutionality of the clause in question is correct, then our members of Congress, elected for many years under just such an Act, have been unconstitutionally chosen. This, however, is a sophism. Those who have been seated in the House of Representatives, from Massachusetts, have received the requisite votes of the people; and if the people have selected, as members, persons inhabiting the districts for which they were chosen, the legal presumption is that the people did so because they chose to do so, not because an unconstitutional law so directed. In other words, their choice, and the direction of the law, were coincident in the particular cases. Even if it were true that, in any instance, the people thought they were bound by the law, and so followed it, when they would have preferred to have done otherwise, the election was, nevertheless, constitutional, because they apparently and professedly chose the candidate

for whom they voted, being, in truth and in fact, free to have done otherwise, and duress is not to be presumed without proof.

It is urged, further, that it is extremely undesirable that persons should be elected to Congress who do not reside among their constituents. That may be so. As a rule I think that it is so. But of the application of the rule, and of the exceptions to it, the people are the best judges ; and they have reserved to themselves the right and the power to judge. How can we, then, presume to prejudice their judgment and impose on them our own ? And I think that the people have rightly reserved to themselves that power ; for the mere fact of legal domiciliation, in a given instance, does not always render one more familiar with the District in which his domicile is cast than with others.

For example, I cannot think that Daniel Webster was more familiar with the Plymouth District and its people, merely for the fact of his legal domicile in Marshfield, where he spent a few weeks of the year, than he was with the people and interests of the Boston District, where he had resided for years, and where were the seat and centre of his political, social, and business life. Nor can I think that the transference of the town of Quincy from one District to another, rendered John Quincy Adams any more or less fitted to represent either the one or the other of them. Nor would it surprise me if the people of one of the new Boston Districts should think a gentleman not unworthy to represent them, whose business pursuits, whose children's school, whose church, whose family and social ties and interests, are all within its borders, but who may customarily sleep and vote in some ward not included within the territory of such District. The necessary division of the city of Boston between two Districts, affords a perfect test of the unsoundness of making an iron rule in the premises, and of the wisdom of the people in reserving the right to judge in the matter for themselves.

I have sought anxiously for some excuse which would justify me to myself in signing this Bill. I have reflected that, after all, the provision of the clause in question, would be only a nullity ; that any person elected to congress, and having the constitutional qualifications, notwithstanding that he lacked the special qualification under this Bill, would surely receive and retain his seat. But he would get it only by unseating another to whom the governor for the time being would have given the certificate, unless such governor should undertake to pass upon the constitution-

ality of the clause, and decide to render the certificate to the candidate who had received the larger number of votes, disregarding the question of domicile except in so far as it is prescribed by the Constitution of the United States.

And I cannot believe that I have the right to be instrumental in compelling the people to exercise their constitutional rights at the risk of a struggle for his seat by the representative of their choice,—nor that I ought to cast upon a future magistrate a burden which the Constitution in the clearest terms imposes upon myself.

NOTE.—Since the foregoing Message was sent to the Senate my attention has been called to another early case in Congress, from Maryland,—that of WILLIAM PINKNEY,—of which I found no note in the “Annals of Congress,” nor in Clark and Hall’s cases of Contested Elections.

In Wheaton’s Life of Pinkney, page 7, that author says : “In 1790 he [William Pinkney] was elected a member of Congress, and his election was contested upon the ground that he did not reside in the District for which he was chosen, as required by the law of the State. But he was declared duly elected, and returned accordingly, by the Executive Council, upon the principle that the State Legislature had no authority to require other qualifications than those enumerated in the Constitution of the United States ; and that the power of regulating the times, places, and manner of holding the elections did not include that of superinducing the additional qualification of residence within the District for which the candidate was chosen. He made on the occasion what was considered a very powerful argument in support of his own claim to be returned ; but declined on account of his professional pursuits and the state of his private affairs, to accept the honor which had been conferred upon him.”

It may be interesting to add that I have also since been informed, by the learned author of the “*History of New England during the Stuart Dynasty*,” that during the colonial period of Massachusetts, persons were, in many cases, chosen deputies to the General Court, who were not inhabitants of the towns by which they were returned. For example, Captain John Hull, the famous mint-master, who was from first to last a citizen of Boston, represented Westfield in 1674, Concord in 1676, and Salisbury in 1680.

[To the House of Representatives, April 22.]

I deem it due to the honorable conduct of the State of Maryland towards the surviving soldiers of Massachusetts, wounded by the mob in Baltimore, on the 19th of April, 1861, and towards the families of those soldiers who were disabled or slain, to make formal communication to the General Court of Massachusetts, of the action taken by the General Assembly of Maryland for their relief.

I do therefore with this Message transmit to the General Court for its information a certified copy, this day received by me, of an Act passed by the General Assembly of Maryland, entitled, "An Act for the relief of the Families of those of the Massachusetts Sixth Regiment of Volunteers, who were killed or wounded in the riot of the 19th of April, 1861, in Baltimore."

CHANGE OF NAMES.

In compliance with the 14th section of the 110th chapter of the General Statutes, returns of the following changes of names have been received at the Secretary's Department, as decreed by the several Judges of the Probate Courts, for their respective counties.

SUFFOLK COUNTY.

Armond Christian Armondson, takes the name of Thomas Benson.

Sarah Gertrude Babb, takes the name of Sarah Babb Hobart.

Dora Betzner, takes the name of Lizzie Davis Harding.

Blanche Lillian Brown, takes the name of Blanche Lillian Blake.

Eva Brown, takes the name of Eva Maria Briggs.

Frederick Augustus Case, takes the name of Frederick Augustus Taft.

Fanny Cutter, takes the name of Fannie Starkey.

Sarah Griffiths, takes the name of Ella Melissa Wentworth.

Frederick Hannah, takes the name of Charles Frederick Stevens.

Carrie Lee Hardy, takes the name of Carrie Oakman Gardner.

George Washington Heard, Jr., takes the name of George Farley Heard.

Annie Hitchcock, takes the name of Caroline Elizabeth Spalding.

Mary Louisa Hudson, takes the name of Ella Louisa Scudder.

Matilda Irvin, takes the name of Maria Osborne.

Isaac H. McCartee, takes the name of Isaac H. Carter.

Patrick Mahoney, takes the name of George Henry Miller.

Anna Elizabeth Maiers, takes the name of Annie Elizabeth Humphrey.

Edward F. Milliken, takes the name of Edward Milliken Rumery.

Anna Geraldine O'Shahan, takes the name of Anna Geraldine de Bonneville.

Charles Henry Preston, takes the name of Charles Frank Hardcastle.

John Turner Welles Sargent, takes the name of Turner Sargent.

Cecelia Susan Ward, takes the name of Cecelia Susan Woods.

Walter Weston, takes the name of James Russell Spalding.

Harriet B— Whitaker, takes the name of Harriet Burr Whitaker.

ESSEX COUNTY.

March 19, 1861. Nancy Norwood Lull, of Manchester, takes the name of Kate Norwood Lull.

June 11. John Taylor, of Haverhill, takes the name of John Zach Taylor.

The names of the following minors were changed by reason of their being adopted :

May 7. Hattie P. Mayhew, of Danvers, takes the name of Hattie Mayhew Perry. Emeline Augusta Teague, of South Danvers, takes the name of Emeline Augusta Reith.

May 17. Mary Jane Tullock, of Danvers, takes the name of Mary Jane Demsey.

June 11. Elizabeth Bixby, of Lawrence, takes the name of Elizabeth Frances Ashton.

July 2. Esther Alice Hicks, of Newburyport, takes the name of Alice Hilliard.

July 16. Jonas S. Sinclair, of Boxford, takes the name of John Symonds Dorman.

August 6. William S. Dalton, of Salem, takes the name of George William Winn.

October 1. Emma Jane Getchell, of Lynn, takes the name of Emma Florence French.

December 18. Stephen Wendell Abbott, of Lawrence, takes the name of Wendell Phillips Kenney.

MIDDLESEX COUNTY.

January 22, 1861. Chester Bradshaw Guild, of Charlestown, takes the name of Robert Bradshaw Guild.

April 2. Cabot Hoes Whitaker, of Lowell, takes the name of George Cabot Whitaker.

April 9. Thomas Peachy Tukey, of Lowell, takes the name of Frederick Sumner Tukey. George Brackett, of Somerville, takes the name of George Callender Brackett.

August 13. Dudley C. Boynton, of Medford, takes the name of Dudley Chace Mumford.

The names of the following minors were changed by reason of their being adopted :

February 26. Robert Dunn, of Malden, to Albion Robert Clapp.

March 5. Lucy Ellen Merrill, of Cambridge, to Lucy Merrill Eaton.

April 2. Abby Frances Eastman, of Lowell, to Abby Frances Morrison.

April 9. Ann Foly, of Cambridge, to Ann Reynolds. Carrie Wood Hitchcock, of West Cambridge, to Carrie Abby Wood. Willie Stone, of Tewksbury, to Jonathan Huse Brown.

April 23. Grace Porter, of Cambridge, to Grace Porter Simonds.

May 7. Charlotte L. Coburn, of Lowell, to Annette Nicholas.

May 28. Louisa Emerline Bixby, of Groton, to Hattie Alsie Randall.

June 25. Mary Jane Eginton, of Newton, to Mary Jane Walker.

September 10. William Gaw, of Cambridge, to William Stinson. Hatty Jane Rice, of Medford, to Hattie Jane Marsh.

October 1. George Marshall, of Lowell, to George Gardner Brown.

November 26. Charles Curtis, of Cambridge, to Charles Cook.

December 10. Hattie L. Rand, of Cambridge, to Hattie Adel Packard. Eliza Jane Mayo, of Waltham, to Eliza Jane Pike.

WORCESTER COUNTY.

Annetta E. Dodge, takes the name of Annetta Elizabeth Taft.

Elizabeth S. Williams, takes the name of Minerva Florence Balcome.

Charles Lyman Chickering, takes the name of Charles Lyman Williams.

Caroline Louisa Chickering, takes the name of Caroline Louisa Williams.

Clara Shepherd, takes the name of Clara Etta Shepherd.

James Henry Penney, takes the name of William Henry Gardner.

Herbert Scovell, takes the name of George Herbert Nichols.

Alexander De Witt Scovell, takes the name of De Witt Clinton Nichols.

Ella Maria Spooner, takes the name of Ella Maria Cleveland.

Harriet Augusta Jones, takes the name of Hattie Augusta Taylor.

Almira H. Rockwood, takes the name of Almira H. Wood.

Clarissa Augusta Patch, takes the name of Clarissa Augusta Brigham.

Nellie Phebe Goodman, takes the name of Nellie Phebe Blood.

Carrie May Thompson, takes the name of Carrie May Gould.

Eliza Jane Morse, takes the name of Eliza Jane Rogers.

Benjamin Lee, takes the name of Benjamin Lee O'Callaghan.

Hattie Fitzgerald, takes the name of Lucy Hill.

HAMPSHIRE COUNTY.

The names of the following minors were changed by reason of their being adopted :

January 5, 1861. Caroline J. Hendrichson, of Boston, to Carrie J. Whitehouse.

February 5. Emily Sarah Cole, of Cummington, to Emily Sarah Packard.

May 14. Frederick Lyman Pittsinger, of Enfield, to Frederick Lyman Kimball.

June 4. Margrette Kearney, of Northampton, to Louisa Margrette Macomber.

August 13. Mary Elizabeth Gleason, of Athol, to Lillie Sarah Barnard.

October 1. Ida Allen, of Holyoke, to Ida Hatch.

HAMPDEN COUNTY.

The names of the following minors were changed by reason of their being adopted :

March, 1861. Ira H. Clagstone, of Holyoke, to Ira H. Cain. William Speakman, to William Everett Nichols.

April. Monroe Fox, of Granville, to Monroe Stevens Rising.

June. Nellie Eliza Dailey, of Holyoke, to Nellie Eliza Willard. Fannie Estel Dailey, of Holyoke, to Fannie Estella Loomis. Nellie Blake, to Minnie E. Taylor. George Woodbury Fiske, of Holyoke, to George Woodbury Rogers.

July. Kate S. H. Thompson, to Kate Thompson.

September. Nellie May Hosford, of Springfield, to Nellie May Clark.

FRANKLIN COUNTY.

The names of the following minors were changed by reason of their being adopted :

January 1, 1861. Charles Robert Bolton, of Boston, to Charles Frederic Clap.

February 5. Harlekin S. Cross, of Rowe, to Harley Cross Amidon.

March 2. Sarah J. Gleason, of Athol, to Lizzie Field Cushing. Eva Maria Gleason, of Athol, to Eva Maria Reed. Oscar D. Fisk, of Warwick, to Oscar D. Hapgood.

March 28. Eugene Thaxter Gurney, of Hawley, to Eugene Thaxter Williams.

August 6. Mary Emma Denslow, of Shelburne, to Mary Emma Vincent.

December 3. Sarah Lizzie Geer, of Ashfield, to Lizzie Maria Blake.

BERKSHIRE COUNTY.

The names of the following minors were changed by reason of their being adopted :

January 1, 1861. Ann Doud, of Washington, to Eva Ann Johnson.

June 4. Sarah Sprong, of Pittsfield, to Sarah Leffingroell.

July 17. Cora Mambert, of Sheffield, to Cora Gibson.

July 24. Charles E. Williams, of Adams, to Charles E. Sherman.

NORFOLK COUNTY.

Virginia Bird, takes the name of Mary Elizabeth Drake.

Charles Bird, takes the name of Charles Bird Wade.

Frederick Knox Wait, takes the name of Frederic Wait Foster.

Charles Hall Thing, takes the name of Charles Hall Thwing.

Benjamin F. Cooke, takes the name of Benjamin F. Cook Cressey.

Horatio Davis, takes the name of Charles Davis, Jr.

Charles May Livingston, takes the name of Charles Henry Pierce.

BRISTOL COUNTY.

October 1, 1861. Annie Elizabeth Taggard, takes the name of Annie Elizabeth Hoar.

December 3. Ann Eliza Fish, takes the name of Ann Eliza Gibbs. Nellie Frances Trafton Collins, takes the name of Nellie Frances Trafton Tripp.

No application for change of name has been made to the judges of probate and insolvency, for the counties of Plymouth, Barnstable, Dukes and Nantucket, during the year 1861.

THE
CIVIL GOVERNMENT

OF THE
Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH,
FOR THE POLITICAL YEAR, 1862.

EXECUTIVE DEPARTMENT.

HIS EXCELLENCY

JOHN A. ANDREW,
GOVERNOR.

ALBERT G. BROWNE, JR., *Private Secretary.*

HIS HONOR

JOHN NESMITH,
LIEUTENANT-GOVERNOR.

COUNCIL—(By Districts.)

I.—NEHEMIAH BOYNTON.
II.—GERRY W. COCHRANE.
III.—JAMES M. SHUTE.
IV.—ALFRED HITCHCOCK.

V.—JOEL HAYDEN.
VI.—JAMES RITCHIE.
VII.—OAKES AMES.
VIII.—ELEAZER C. SHERMAN.

OLIVER WARNER,

SECRETARY OF THE COMMONWEALTH.

CHARLES W. LOVETT, *1st Clerk.*

ALBERT L. FERNALD, *2d Clerk.*

HENRY K. OLIVER,

TREASURER AND RECEIVER-GENERAL.

DANIEL H. ROGERS, *1st Clerk.*

ARTEMAS HARMON, *2d Clerk.*

DWIGHT FOSTER,

ATTORNEY-GENERAL.

HENRY WINN, *Clerk.*

LEVI REED,

AUDITOR OF ACCOUNTS.

JULIUS L. CLARKE, *Clerk.*

GENERAL COURT,

ARRANGED IN ACCORDANCE WITH THE DISTRICT SYSTEM OF 1857.

SENATE.

President—JOHN H. CLIFFORD.

District.	Name of Senator.	Residence.
First Suffolk, . . .	Stephen N. Stockwell, . . .	Boston.
Second " . . .	John C. Tucker, . . .	"
Third " . . .	Charles G. Loring, . . .	"
Fourth " . . .	Alexander H. Twombly, . . .	"
Fifth " . . .	Benjamin Dean, . . .	"
First Essex, . . .	William F. Johnson, . . .	Lynn.
Second " . . .	William D. Northend, . . .	Salem.
Third " . . .	Christopher Tompkins, . . .	Haverhill.
Fourth " . . .	Edwin B. George, . . .	Groveland.
Fifth " . . .	John J. Babson, . . .	Gloucester.
First Middlesex, . . .	E. O. Haven, . . .	Malden.
Second " . . .	John C. Dodge, . . .	Cambridge.
Third " . . .	John W. Bacon, . . .	Natick.
Fourth " . . .	Walter Fessenden, . . .	Townsend.
Fifth " . . .	Horace P. Wakefield, . . .	Reading.
Sixth " . . .	Daniel S. Richardson, . . .	Lowell.
Central Worcester, . . .	Hartley Wilhams, . . .	Worcester.

District.	Name of Senator.	Residence.
South-East Worcester,	William R. Hill,	Sutton.
South-West “ .	Rufus B. Dodge,	Charlton.
West “ .	Henry Smith,	Templeton.
North-East “ .	Alvah Crocker,	Fitchburg.
East “ .	Charles G. Stevens, . . .	Clinton.
Hampshire,	Lewis Bodman,	Williamsburg.
Franklin,	Whiting Griswold, . . .	Greenfield.
Hampshire & Franklin,	George H. Gilbert, . . .	Ware.
West Hampden, . .	Milton B. Whitney, . . .	Westfield.
East “ . .	James M. Thompson, . . .	Springfield.
North Berkshire, . .	Thomas F. Plunkett, . . .	Pittsfield.
South “ . .	Orlo Burt,	Sandisfield.
North Norfolk, . .	William D. Swan, . . .	Dorchester.
East “ . .	Jonathan Wales,	Randolph.
West “ . .	Joseph Day,	Dedham.
North Bristol, . .	Chester I. Reed,	Taunton.
South “ . . .	John H. Clifford,	New Bedford.
West “ . . .	Ezra P. Brownell,	Westport.
North Plymouth, . .	Ebenezer Gay,	Hingham.
South “ . .	Joshua E. Crane,	Bridgewater.
Middle “ . .	James H. Mitchell, . . .	E. Bridgewater.
Cape,	R. H. Libby,	Wellfleet.
Island,	Charles Dillingham, . . .	Sandwich.

STEPHEN N. GIFFORD, *Clerk.*EDWARD W. CLARK, *Chaplain.*ALLEN S. WEEKS, *Assistant-Clerk.*JOHN MORISSEY, *Sergeant-at-Arms.*

HOUSE OF REPRESENTATIVES.

Speaker—ALEXANDER H. BULLOCK.

COUNTY OF SUFFOLK.

District.	Ward.	Name of Representative.	Residence.
1st,	Ward 1, Boston, . {	Cornelius Doherty, ; Alonzo M. Giles, .	Boston. “
2d,	Ward 2, Boston, . {	Austin Gove, . . . Josiah M. Read, . . Hiram A. Stevens, .	Boston. “ “
3d,	Ward 3, Boston, . {	James L. Hanson, . John F. Flynn, . .	Boston. “
4th,	Ward 4, Boston, . {	Robert I. Burbank, . Cornelius Walker, .	Boston. “
5th,	Ward 5, Boston, . {	Edward Brown, . . Harvey Jewell, . .	Boston. “
6th,	Ward 6, Boston, . {	Benjamin Stevens, . Peleg W. Chandler, .	Boston. “
7th,	Ward 7, Boston, . {	Charles J. McCarthy, James Riley, . . .	Boston. “
8th,	Ward 8, Boston, . {	John S. Tyler, . . Eben Cutler, . . .	Boston. “
9th,	Ward 9, Boston, . {	Daniel G. Grafton, . Charles W. Morris, .	Boston. “
10th,	Ward 10, Boston, . {	Ansel Lothrop, . . Samuel H. Gibbens, .	Boston. “
11th,	Ward 11, Boston, . {	Francis J. Parker, . George Eaton, . .	Boston. “
12th,	Ward 12, Boston, . {	Hiram Emery, . . . Zibeeon Southard, . Albert J. Wright, .	Boston. “ “

HOUSE OF REPRESENTATIVES.

COUNTY OF SUFFOLK—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
13th,	{ Chelsea, } { North Chelsea, } { Winthrop, }	Tracy P. Cheever, . Noble M. Perkins, .	Chelsea. “

COUNTY OF ESSEX.

1st,	{ Amesbury, } { Salisbury, } { Ward 6, Newbury- port, }	Patten Sargent, . . Joseph Morrill,* . .	Amesbury. Salisbury.
2d,	Andover,	George Foster, . . .	Andover.
3d,	{ Beverly, } { Wenham, } { Topsfield, }	John Meacom, . . . Benjamin C. Putnam,	Beverly. Wenham.
4th,	Danvers,	James W. Putnam, .	Danvers.
5th,	{ Essex, } { Manchester, }	Ebenezer Stanwood, .	Essex.
6th,	{ Georgetown, }	Joseph P. Stickney, .	Georgetown.
7th,	{ Gloucester, }	John S. E. Rogers, . James S. Jewett, . .	Gloucester. “
8th,	{ Haverhill, }	Calvin Butrick, . . Gilman Corning, . .	Haverhill. “
9th,	{ Ipswich, } { Hamilton, }	Samuel N. Baker, .	Ipswich.
10th,	{ Wards 3 and 4, Law- rence, }	John J. Doland, . .	Lawrence.
11th,	{ Wards 1, 2, and 6, } { Lawrence, }	Harrison D. Clement,	Lawrence.
12th,	Wards 2 and 5, Lynn,	Oliver Ramsdell, . .	Lynn.
13th,	{ Wards 1, 6, and 7, } { Lynn, }	Aza A. Breed, . . .	Lynn.
14th,	{ Marblehead & Ward } { 5, Salem, }	Samuel Roads, . . . Henry Luscomb, Jr.,	Marblehead. Salem.

* Deceased, and Bailey C. Brown, of Salisbury, chosen to fill vacancy.

COUNTY OF ESSEX—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
15th,	{ Methuen, and Ward } 5, Lawrence, . . . }	Cyrus Williams, . .	Lawrence.
16th,	{ Nahant, and Ward 4, } Lynn, }	Zachariah Graves, .	Lynn.
17th,	{ Newbury, } West Newbury, . . } Rowley, }	Nathan Adams, . .	Newbury.
18th,	{ Wards 1 and 2, New- } buryport, . . . }	Caleb Cushing, . .	Newburyport.
19th,	{ Wards 3, 4, and 5, } Newburyport, . . }	Albert Currier, . .	Newburyport.
20th,	{ Bradford, } North Andover, . . } Boxford, }	Moses T. Stevens, .	N. Andover.
21st,	Rockport,	Moses Pool, . . .	Rockport.
22d,	Wards 1 & 3, Salem,	Samuel R. Hathaway,	Salem.
23d,	{ Wards 2, 4, and 6, } Salem, }	James A. Gillis, . . S. G. Wheatland, .	Salem. "
24th,	{ Saugus, } Lynnfield, } Middleton, }	Amos Howe Johnson,	Middleton.
25th,	South Danvers, . .	D. Webster King, .	South Danvers.
26th,	{ Swampscott, & Ward } 3, Lynn, }	Amos I. Withey, . .	Lynn.

COUNTY OF MIDDLESEX.

1st,	Ward 1, Charlestown,	Amos Brown, . . .	Charlestown.
2d,	{ Wards 2 & 3, Charles- } town, }	Everett Torrey, . . Abel E. Bridge, . . Phineas J. Stone, .	Charlestown. " "
3d,	Somerville,	George O. Brastow, .	Somerville.
4th,	Malden,	Caleb Wait, . . .	Malden.

HOUSE OF REPRESENTATIVES.

COUNTY OF MIDDLESEX—Continued.

District.	Town or City.	Name of Representative.	Residence.
5th,	Medford,	Francis Brooks, . .	Medford.
6th,*	{ West Cambridge, . . } { Winchester, . . . }	Albert Winn, . . .	W. Cambridge.
7th,	Cambridge, {	Charles Beck, . . . Hamlin R. Harding, Anson Hooker, . .	Cambridge. " "
8th,	{ Newton, } { Brighton, }	Joseph Breck, . . . Henry Baldwin, . .	Brighton. "
9th,*	{ Watertown, }	F. M. Stone, . . .	Waltham.
	{ Waltham, }	Josiah Beard, . . .	"
10th,	{ Concord, }	George Heywood, .	Concord.
	{ Lincoln, }		
	{ Weston, }		
11th,	Natick,	Charles M. Tyler, .	Natick.
12th,	{ Holliston, }	Seth Thayer, . . .	Holliston.
	{ Sherborn, }		
13th,	{ Ashland, }	Benjamin Homer, .	Ashland.
	{ Hopkinton, }		
14th,	Framingham, . . .	James W. Clark, . .	Framingham.
15th,	Marlborough, . . .	O. W. Albee, . . .	Marlborough.
16th,	{ Stow, }	Henry Wilder, . . .	Stow.
	{ Sudbury, }		
	{ Wayland, }		
17th,	{ Acton, }	John Fletcher, Jr., .	Acton.
	{ Boxborough, }		
	{ Littleton, }		
	{ Carlisle, }		
18th,	{ Burlington, }	Wm. Henry Smith, .	Lexington.
	{ Bedford, }		
	{ Lexington, }		
19th,	Woburn,	John R. Kimball, .	Woburn.
20th,	{ South Reading, . . . }	John H. Dike, . . .	Stoneham.
	{ Melrose, }		
	{ Stoneham, }		South Reading.

* Town of Belmont incorporated 1859, embracing portions of Districts 6 and 9.

COUNTY OF MIDDLESEX—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
21st,	{ Reading, } { North Reading, . . }	Charles Manning, .	Reading.
22d,	{ Wilmington, } { Tewksbury, } { Billerica, }	George P. Elliot, . .	Billerica.
23d,	{ Wards 1, 2, and 5, { { Lowell, }	Paul Hill, Samuel W. Stickney, Sewall G. Mack, . .	Lowell. " "
24th,	{ Wards 3, 4, and 6, { { Lowell, }	Hapgood Wright, . . Josiah B. French, . . Edward F. Sherman,	Lowell. " "
25th,	{ Chelmsford, } { Dracut, } { Tyngsborough, . . }	Cyrus Butterfield, .	Tyngsborough.
26th,	{ Shirley, } { Groton, } { Dunstable, } { Westford, } { Pepperell, }	David Porter, J. W. P. Abbot, . . .	Shirley. Westford.
27th,	{ Townsend, } { Ashby, }	Abram S. French, .	Townsend.

COUNTY OF WORCESTER.

1st,	{ Ashburnham, } { Winchendon, }	Nelson D. White, . .	Winchendon.
2d,	{ Athol, } { Royalston, }	Farwell F. Fay, . .	Athol.
3d,	{ Dana, } { Petersham, } { Phillipston, }	Hudson Tolman, . . .	Petersham.
4th,	{ Templeton, } { Hubbardston, }	Artemas Lee,	Templeton.
5th,	{ Gardner, } { Westminster, }	Thorley Colleston, .	Gardner.

HOUSE OF REPRESENTATIVES.

COUNTY OF WORCESTER—Continued.

District.	Towns.	Name of Representative.	Residence.
6th,	{ Fitchburg, } { Leominster, } { Sterling, } { Lunenburg, }	Amasa Norcross, . . Manson D. Haws, . . Daniel Putnam, . .	Fitchburg. Leominster. Lunenburg.
7th,	{ Harvard, } { Bolton, } { Berlin, }	Isaac N. Stone, . .	Harvard.
8th,	{ Clinton, } { Lancaster, }	Jared M. Heard, . .	Clinton.
9th,	{ Princeton, } { Rutland, } { Oakham, }	Zadock W. Gates, .	Rutland.
10th,	{ Barre, } { Hardwick, }	J. Henry Goddard, .	Barre.
11th,	{ Warren, } { West Brookfield, . } { New Braintree, . . }	Lucius J. Knowles, .	Warren.
12th,	{ North Brookfield, . } { Brookfield, }	Charles Adams, Jr., .	N. Brookfield.
13th,	{ Leicester, } { Spencer, }	John D. Cogswell, .	Leicester.
14th,	{ West Boylston, . . } { Holden, } { Paxton, }	William Mulligan, .	Paxton.
15th,	{ Shrewsbury, } { Northborough, . . } { Boylston, }	Jonathan H. Nelson, .	Shrewsbury.
16th,	{ Westborough, . . . } { Southborough, . . }	J. F. B. Marshall, .	Westborough.
17th,	Grafton,	Seth J. Axtell, . .	Grafton.
18th,	{ Northbridge, . . . } { Upton, }	George S. Ball,* . .	Upton.
19th,	Milford, }	Henry O. Lothrop, . Charles F. Claflin, .	Milford. “

* Resigned, and Henry Shaw, of Upton, chosen to fill vacancy.

HOUSE OF REPRESENTATIVES.

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COUNTY OF WORCESTER—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
20th,	{ Uxbridge, } Mendon, }	William T. Metcalf, .	Mendon.
21st,	Blackstone,	William A. Northup,	Blackstone.
22d,	{ Webster, } Douglas, }	Albert Butler, . . .	Douglas.
23d,	{ Southbridge, } Dudley, }	Jacob Baker,	Dudley.
24th,	{ Charlton, } Sturbridge, }	Dexter Blood, . . .	Charlton.
25th,	{ Oxford, } Sutton, } Millbury, }	Horace Armsby, . . . Moses Stone,	Millbury. Oxford.
26th,	{ Auburn, and Ward } 6, Worcester, . . . }	Delano A. Goddard, .	Worcester.
27th,	{ Wards 1 and 2, Wor- } cester, }	Samuel Souther, . . .	Worcester.
28th,	{ Wards 3 and 8, Wor- } cester, }	Joseph D. Daniels, .	Worcester.
29th,	{ Wards 4 and 5, Wor- } cester, }	John L. Murphy, . . .	Worcester.
30th,	Ward 7, Worcester, .	Alexander H. Bullock,	Worcester.

COUNTY OF HAMPSHIRE.

1st,	{ Easthampton, } Hatfield, } Northampton, } Southampton, }	Daniel G. Littlefield, . John T. Fitch,	Northampton. Hatfield.
2d,	{ Chesterfield, } Huntington, } Westhampton, } Williamsburg, }	Matthias Rice,	Westhampton.
3d,	{ Cummington, } Goshen, } Middlefield, } Plainfield, } Worthington, }	John C. Thompson, .	Goshen.

HOUSE OF REPRESENTATIVES.

COUNTY OF HAMPSHIRE—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	{ Hadley, } { South Hadley, . . . }	Horace Cook, . . .	Hadley.
5th,	{ Amherst, } { Granby, } { Pelham, }	John R. Cushman, .	Amherst.
6th,	{ Belchertown, }	Augustus Moody, . .	Enfield.
	{ Enfield, }	Luther Holland, . .	Belchertown.
	{ Greenwich, }		
	{ Prescott, }		
	{ Ware, }		

COUNTY OF HAMPDEN.

1st,	{ Brimfield, }	William A. Robbins, .	Holland.
	{ Monson, }		
	{ Holland, }		
	{ Wales, }		
2d,	Palmer,	Stephen G. Newton, .	Palmer.
3d,	{ Wilbraham, }	Joseph McGregory, .	Wilbraham.
	{ Longmeadow, }		
4th,	{ Wards 1 & 2, Spring- }	Theodore Stebbins,*.	Springfield.
	{ field, }		
5th,	{ Wards 3 & 4, Spring- }	William L. Smith, .	Springfield.
	{ field, }		
6th,	{ Wards 5, 6, 7 and 8, }	Nathaniel Howard, .	Springfield.
	{ Springfield, }		
7th,	{ Chicopee, }	Phineas Stedman, .	Chicopee.
	{ Ludlow, }	Hezekiah Root, . .	Ludlow.
8th,	{ Holyoke, }	Thomas H. Kelt, . .	Holyoke.
	{ West Springfield, . }		
9th,	{ Agawam, }	Reuben DeWitt, . .	Agawam.
	{ Southwick, }		
	{ Granville, }		
10th,	Westfield,	Lewis Rufus Norton, .	Westfield.

* Deceased, and William B. Calhoun, of Springfield, chosen to fill vacancy.

COUNTY OF HAMPDEN—Continued.

District.	Towns.	Name of Representative.	Residence.
11th,	{ Chester, } { Blandford, } { Tolland, } { Montgomery, } { Russell, }	Edward M. Taylor, .	Montgomery.

COUNTY OF FRANKLIN.

1st,	{ Bernardston, } { Colrain, } { Greenfield, } { Gill, } { Leyden, } { Shelburne, }	Alfred R. Field, . . Eph'm H. Thompson,	Greenfield. Colrain.
2d,	{ Buckland, } { Charlemont, } { Heath, } { Monroe, } { Rowe, }	Charles T. Walcott, .	Monroe.
3d,	{ Ashfield, } { Conway, } { Hawley, }	Emery Sherman, . .	Conway.
4th,	{ Deerfield, } { Whately, }	Lucas W. Hannum, .	Whately.
5th,	{ Leverett, } { Shutesbury, } { Sunderland, } { Wendell, }	Charles H. Field, . .	Leverett.
6th,	{ Erving, } { Montague, } { Northfield, }	Erastus F. Gunn, . .	Montague.
7th,	{ New Salem, } { Orange, } { Warwick, }	Royal Whitaker, . .	New Salem.

HOUSE OF REPRESENTATIVES.

COUNTY OF BERKSHIRE.

District.	Towns.	Name of Representative.	Residence.
1st,	{ Hancock, }	Keyes Danforth, . .	Williamstown.
	{ Lanesborough, . . }		
	{ New Ashford, . . }		
	{ Williamstown, . . }		
2d,	{ Adams, }	Henry Cartwright, .	Adams.
	{ Cheshire, }		
	{ Clarksburg, . . . }		
	{ Florida, }		
	{ Savoy, }	Edmund D. Foster, .	Cheshire.
3d,	{ Pittsfield, . . . }	Nathan G. Brown, .	Pittsfield.
	{ Dalton, }		
	{ Richmond, . . . }		
4th,	{ Becket, }	Sylvester S. Bowen, .	Peru.
	{ Hinsdale, . . . }		
	{ Peru, }		
	{ Washington, . . }		
	{ Windsor, . . . }		
5th,	{ Lenox, }	Jonathan E. Field, .	Stockbridge.
	{ Stockbridge, . . }		
	{ West Stockbridge, . }		
6th,	{ Lee, }	James Bullard, . . .	Lee.
	{ Tyringham, . . }		
7th,	{ Great Barrington, . }	Eugene Vosburgh, .	Gt. Barrington.
	{ Alford, }		
	{ Monterey, . . . }		
8th,	{ New Marlborough, . }	Joshua M. Sears, . .	Sandisfield.
	{ Sandisfield, . . . }		
	{ Otis, }		
9th,	{ Sheffield, }	Seymour B. Dewey, .	Egremont.
	{ Mount Washington, . }		
	{ Egremont, . . . }		

COUNTY OF NORFOLK.

District.	Town or City.	Name of Representative.	Residence.
1st,	Dedham,	Eliphalet Stone, . .	Dedham.
2d,	West Roxbury, . .	Everett C. Banfield, .	West Roxbury.
3d,	Brookline,	Thomas Parsons, . .	Brookline,
4th,	Roxbury,	{ George Curtis, William B. May, Uriah T. Brownell, . .	Roxbury. " "
5th,	Dorchester,	{ Henry L. Pierce, Ebenezer Eaton, . . .	Dorchester. "
6th,	Quincy,	Noah Cummings, . .	Quincy.
7th,	Braintree,	Ezra Penniman, . .	Braintree.
8th,	Weymouth,	{ Oliver Loud, Zachariah L. Bicknell,	Weymouth. "
9th,	Randolph,	George N. Johnson, .	Randolph.
10th,	Stoughton,	Jesse Holmes,	Stoughton.
11th,	{ Canton, Milton, Walpole, Sharon, }	H. Augustus Lothrop, Samuel Cook,	Sharon. Milton.
12th,	{ Foxborough, Wrentham, Medway, }	William H. Cary, . . Harvey B. Coleman, .	Medway. Wrentham.
13th,	{ Franklin, Bellingham, }	Daniel J. Pickering, .	Bellingham.
14th,	{ Needham, Medfield, (Dover, }	Charles C. Sewall, . .	Medfield.

COUNTY OF BRISTOL.

1st,	{ Pawtucket, }	William D. Earl, . . .	Attleborough.
	{ Attleborough, . . . }	Ezekiel Bates, . . .	"
2d,	{ Mansfield, }	Charles P. White, . .	Mansfield.
	{ Norton, }		

HOUSE OF REPRESENTATIVES.

COUNTY OF BRISTOL—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	{ Easton, } { Raynham, }	Charles B. Pool, . .	Easton.
4th,	Taunton, {	James Brown, . . . Charles R. Atwood, . Elias A. Morse, . .	Taunton. " "
5th,	{ Rehoboth, } { Seekonk, }	Joseph Brown, . .	Seekonk.
6th,	{ Dighton, } { Somerset, } { Swanzey, }	William P. Hood, . .	Somerset.
7th,	Fall River, {	Simeon Borden, . . Henry Pratt, . . .	Fall River. "
8th,	Westport,	Christopher A. Church,	Westport.
9th,	Dartmouth,	Francis W. Mason, .	Dartmouth.
10th,	{ Wards 1 and 2, New } { Bedford, }	Henry Peirce, . . . Wm. Logan Rodman,	New Bedford. "
11th,	{ Wards 3, 4, 5 and 6, } { New Bedford, . . . }	Caleb L. Ellis, . . . Robert Gibbs, . . . Nathaniel Gilbert, .	New Bedford. " "
12th,	{ Berkley, } { Freetown, } { Fairhaven, }	Samuel L. Ward, . . John D. Wilson, . .	Fairhaven. Freetown.

COUNTY OF PLYMOUTH.

1st,	{ Hull, } { Cohasset, } { Scituate, }	George C. Lee, . .	Scituate.
2d,	Hingham,	David Cain, . . .	Hingham.
3d,	{ South Scituate, . . } { Hanover, }	Seth H. Vinall, . .	South Scituate.
4th,	{ Marshfield, } { Pembroke, }	Sereno Howe, . . .	Marshfield.

COUNTY OF PLYMOUTH—Continued.

District.	Towns.	Name of Representative.	Residence.
5th,	{ Duxbury, } { Kingston, }	Henry B. Maglathlin,	Duxbury.
6th,	{ Plymouth, } { Carver, }	Charles G. Davis, . . Samuel O. Whitmore,	Plymouth. “
7th,	{ Wareham, } { Marion, }	Andrew J. Hadley, .	Marion.
8th,	{ Mattapoisett, . . . } { Rochester, } { Lakeville, }	Austin J. Roberts, .	Lakeville.
9th,	Middleborough, . .	Andrew J. Pickens, .	Middleborough.
10th,	{ Bridgewater, . . . } { West Bridgewater, . }	Simeon Perkins, . .	Bridgewater.
11th,	{ East Bridgewater, . } { North Bridgewater, . }	Lorenzo D. Hervey, . Ezra Kingman, . .	N. Bridgewater. E. Bridgewater.
12th,	Abington, {	Isaiah Jenkins, . . . Otis W. Soule, . . .	Abington. “
13th,	{ Hanson, } { Halifax, } { Plympton, }	George F. Stetson, .	Hanson.

COUNTY OF BARNSTABLE.

1st,	{ Barnstable, } { Sandwich, } { Falmouth, }	Asa E. Lovell, . . . Geo. W. Donaldson, . Zebedee Greene, . .	Barnstable. Falmouth. Sandwich.
2d,	{ Yarmouth, } { Dennis, } { Harwich, } { Chatham, }	John K. Sears, . . . Danforth S. Steel, . Samuel Higgins, . .	Yarmouth. Harwich. Chatham.
3d,	{ Brewster, } { Orleans, } { Eastham, }	Sylvanus Smith, . .	Eastham.
4th,	{ Wellfleet, } { Truro, } { Provincetown, . . . }	Joseph P. Johnson, . Benjamin Oliver, . .	Provincetown. Wellfleet.

HOUSE OF REPRESENTATIVES.

DUKES COUNTY.

District.	Towns.	Name of Representatiye.	Residence.
One.	{ Edgartown, . . . } { Tisbury, . . . } { Chilmark, . . . }	Edgar Marchant, . .	Edgartown.

COUNTY OF NANTUCKET.

One.	Nantucket, . . . {	Elisba Smith, . . . Andrew J. Morton, .	Nantucket. “
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‡ Deceased May 8.

Commonwealth of Massachusetts.

SECRETARY'S DEPARTMENT, BOSTON, }
July 7, 1862. }

I hereby certify that the printed Acts, Resolves, &c.,
contained in this volume, are true copies of the originals.

OLIVER WARNER,

Secretary of the Commonwealth.

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